

Michigan Register

Issue No. 9– 2015 (Published June 1, 2015)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 9— 2015

(This issue, published June 1, 2015, contains
documents filed from May 1, 2015 to May 15, 2015)

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Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director
Licensing and Regulatory Affairs

2015 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2015	February 1, 2015
2	February 1, 2015	February 15, 2015
3	February 15, 2015	March 1, 2015
4	March 1, 2015	March 15, 2015
5	March 15, 2015	April 1, 2015
6	April 1, 2015	April 15, 2015
7	April 15, 2015	May 1, 2015
8	May 1, 2015	May 15, 2015
9	May 15, 2015	June 1, 2015
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20	November 1, 2015	November 15, 2015
21	November 15, 2015	December 1, 2015
22	December 1, 2015	December 15, 2015
23	December 15, 2015	January 1, 2016
24	January 1, 2016	January 15, 2016

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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

CHILD CARING INSTITUTIONS

Filed with the Secretary of State on May 6, 2015

These rules take effect 30 days after filing with the Secretary of State.

(By authority conferred on the director of the Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116, and Reorganization Nos. 1996-1, 1996-2, 2003-1 and 2004-4 MCL 722.112, 330.3101, 445.2001, 445.2011, and 400.226)

R 400.4101, R 400.4104, R 400.4105, R 400.4106, R 400.4108, R 400.4109, R 400.4111, R 400.4112, R 400.4113, R 400.4114, R 400.4116, R 400.4117, R 400.4118, R 400.4119, R 400.4120, R 400.4121, R 400.4126, R 400.4127, R 400.4128, R 400.4131, R 400.4132, R 400.4134, R 400.4137, R 400.4138, R 400.4141, R 400.4142, R 400.4143, R 400.4144, R 400.4145, R 400.4146, R 400.4147, R 400.4148, R 400.4150, R 400.4152, R 400.4160, R 400.4161, R 400.4163, R 400.4167, R 400.4501, R 400.4502, R 400.4504, R 400.4510, R 400.4512, R 400.4515, R 400.4517, R 400.4520, R 400.4522, R 400.4523, R 400.4524, R 400.4527, R 400.4532, R 400.4535, R 400.4538, R 400.4540, R 400.4545, R 400.4546, R 400.4548, R 400.4552, R 400.4554, R 400.4555, R 400.4559, R 400.4560, R 400.4562, R 400.4563, R 400.4566, R 400.4568, R 400.4601, R 400.4602, R 400.4612, R 400.4618, R 400.4620, R 400.4623, R 400.4632, R 400.4635, R 400.4638, R 400.4640, R 400.4652, R 400.4657, and R 400.4666 of the Michigan Administrative Code are amended; R 400.4102, R 400.4103, R 400.4107, R 400.4110, R 400.4115, R 400.4122, R 400.4123, R 400.4124, R 400.4125, R 400.4129, R 400.4135, R 400.4136, R 400.4139, R 400.4140, R 400.4149, R 400.4151, R 400.4153, R 400.4154, R 400.4155, R 400.4156, R 400.4157, R 400.4158, R 400.4159, R 400.4162, R 400.4164, R 400.4165, R 400.4166, R 400.4505, R 400.4604, R 400.4605, and R 400.4621 are added to the Code; and R 400.4168, R 400.4169, R 400.4170, R 400.4172, R 400.4173, R 400.4175, R 400.4176, R 400.4177, R 400.4178, R 400.4181, R 400.4182, R 400.4183, R 400.4201, R 400.4231, R 400.4232, R 400.4234, R 400.4237, R 400.4238, R 400.4302, R 400.4331, R 400.4332, R 400.4334, R 400.4335, R 400.4336, R 400.4337, R 400.4338 and R 400.4513 are rescinded.

PART 1. GENERAL PROVISIONS

R 400.4101 Definitions.

Rule 101. As used in these rules:

“Accredited college or university” means a college or university recognized by the United States department of education.

(b) "Act" means 1973 PA 116, as amended, being §§ MCL 722.111 to 722.128, and known as the child care organization licensing act.

(c) "Audit" means a review done by an auditor that conforms with generally accepted accounting principles.

(d) "Case record" means the individual file kept by an institution concerning a child who has been placed at the institution.

(e) "Chief administrator" means the person designated by the licensee as having the onsite day-to-day responsibility for the overall administration of a child caring institution and for assuring the care, safety, and protection of residents.

(f) "Chief administrator designee" means a person above the level of the supervisor who approved an action, and who was not involved in the decision being reviewed.

(g) "Child caring institution," hereinafter referred to as "institution" or CCI, means an institution as defined in section 1 of 1973 PA 116, MCL 722.111.

(h) "Child placing agency" means an agency as defined in section 1 of 1973 PA 116, MCL 722.111.

(i) "Children's therapeutic group home" means a children's therapeutic group home as defined in section 1 of 1973 PA 116, MCL 722.111.

(j) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management.

(k) "Detention facility" means an institution that primarily provides care and supervision for youth pending adjudication for status or criminal offenses or pending placement in a treatment facility post-adjudication.

(l) "Department" means the Michigan department of human services.

(m) "Developmentally disabled" means an individual who has an impairment of general intellectual functioning or adaptive behavior which meets all of the following criteria:

(i) It originated before the person became 18 years of age.

(ii) It has continued since its origination or can be expected to continue indefinitely.

(iii) It constitutes a substantial burden to the impaired person's ability to perform normally in society.

(iv) It is attributable to 1 or more of the following:

(A) Significant cognitive impairment, cerebral palsy, epilepsy, or autism.

(B) Any other condition of a person found to be closely related to significant cognitive impairment because it produces a similar impairment or requires treatment and services similar to those required for a person who is significantly cognitively impaired.

(n) "Direct care worker" means a person who provides direct care and supervision of children in an institution.

(o) "Human behavioral science" means a course of study producing a degree from an accredited college or university in any of the following:

(i) Social work.

(ii) Psychology.

(iii) Guidance and counseling.

(iv) Consumer or community services.

(v) Criminal justice.

(vi) Family ecology.

(vii) Sociology.

(p) "Juvenile justice youth" means a youth pending adjudication for status or criminal offenses or a youth who has been adjudicated under section 2(a) of chapter XIA of the probate code of

1939, 1939 PA 288, MCL 712A.2a, or section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1.

(q) "License" means a license issued by the department to a non-governmentally operated institution or a certificate of approval issued by the department to a governmentally operated institution indicating that the institution is in compliance with these rules.

(r) "Licensee" means the agency, association, corporation, firm, organization, person, partnership, department, or agency of the state, county, city, or other political subdivision that has submitted an original application for licensure or approval or has been issued a license or certificate of approval to operate a child caring institution.

(s) "Licensee designee" means the individual who is authorized by the licensee, board of directors, or the governing body for a public institution, to act on behalf of the corporation or organization on licensing matters.

(t) "Licensing authority" means the administrative unit of the department that has the responsibility for making licensing and approval recommendations for an institution.

(u) "Medication" means prescription and nonprescription medicines.

(v) "Misconduct" is conduct by a resident that affects the safety and security of residents, staff, or the community.

(w) "Open institution" means an institution or facility, or portion thereof, which is used to house residents and which is not locked against egress, except for an approved behavior management room.

(x) "Parent" means biological parent, including custodial and non-custodial parent, adoptive parent, or guardian.

(y) "Personal restraint", also referred to as resident restraint, means personal restraint as defined in section 2b of 1973 PA 116, MCL 722.112b.

(z) "Protection" means the continual responsibility of the licensee to take reasonable action to ensure the health, safety, and well-being of a resident while under the supervision of the licensee or an agent or employee of the licensee, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation.

(aa) "Resident" means a child who is admitted to and resides in an institution.

(bb) "Seclusion" means seclusion as defined in section 2b of 1973 PA 116, MCL 722.112b.

(cc) "Seclusion room" means a room or area approved for the confinement or retention of a single resident. The door to the room may be equipped with a security locking device which operates by means of a key or is electrically operated and has a key override and emergency electrical backup in case of a power failure.

(dd) "Secure institution" means an institution, or portion thereof, other than a seclusion room, used to house residents that is secured against egress from the building.

(ee) "Serious injury" means any significant impairment of the physical condition of the minor child as determined by qualified medical personnel. This includes, but is not limited to, burns, lacerations, bone fractures, substantial hematoma, and injuries to internal organs, whether self-inflicted or inflicted by someone else.

(ff) "Shelter care facility" means an institution which primarily provides care for residents for assessment, short-term supportive care, or placement planning.

(gg) "Social service supervisor" means a person who supervises a social service worker.

(hh) "Social service worker" means a person who works directly with residents, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the resident. This definition does not prevent a team approach to service plan development and implementation.

(ii) "Staff" means a person who is employed by an institution, a volunteer for the institution, including student interns, or a person who is used by the institution to provide specific services covered by these rules.

(jj) "Terms of license" or "terms of approval" means those designations noted on an institution's license or certificate of approval for which the institution is authorized or approved. Such designations include the following:

(i) Short-term institution.

(ii) Residential treatment institution.

(iii) Secure institution.

(iv) Open institution.

(v) Age of children to be accepted for care.

(vi) Sex of children to be accepted for care.

(vii) Number of children to be accepted for care.

(viii) Effective and expiration dates.

(kk) "Treatment institution" means an institution whose primary purpose and function is to provide habilitative or rehabilitative services.

R 400.4102 Inspection and approval of institution.

Rule 102. Residents may occupy an institution, including new construction, additions, and conversions, only after inspection and approval by the licensing authority.

R 400.4103 Space and equipment requirements.

Rule 103. An institution shall provide all of the following to assure delivery of licensed services:

Sufficient resident living space, as set forth in R 400.4510.

Office space.

Equipment to assure delivery of licensed services.

R 400.4104 Rules compliance.

Rule 104. (1) Before being licensed as an institution, an original applicant shall comply with 1973 PA 116, MCL 722.111 et seq. and the rules for the type of institution the applicant proposes to operate and for which compliance can be achieved prior to beginning operation and shall demonstrate intent to comply with those rules for which compliance can only be demonstrated after the institution has become fully operational.

(2) After being licensed, an institution shall, on an ongoing basis, comply with the act, child caring institution rules, and terms of the license.

R 400.4105 Rule variance.

Rule 105. (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which a variance is sought.

(2) The department shall enter its decision, including the qualification under which the variance is granted, in the records of the department and send a signed copy to the applicant or licensee. This variance may remain in effect for as long as the licensee continues to comply with the intent of the rule or may be time limited.

R 400.4106 Original licensure; application.

Rule 106. An applicant applying for an original license shall provide documentation of all of the following:

- (a) Need for the type of program the institution proposes to provide.
- (b) Sufficient financial resources to meet applicable licensing rules following the issuance of the initial license.
- (c) A plan of financial accounting developed in accordance with generally accepted accounting practices.

R 400.4107 Deemed status.

Rule 107. (1) The department may accept, for the purpose of determining compliance with part 1 of these rules, evidence that the child caring institution is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) The institution may request deemed status when the accreditation site inspection is less than 12 months old. Both of the following apply:

- (a) When accreditation is requested, an institution shall submit a copy of the most recent accreditation report to the department.
- (b) An institution shall only be eligible for deemed status if the license is on a regular status.
- (3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site investigations or requiring environmental health and fire safety inspections at intervals determined by the department.

R 400.4108 Financing and audit.

Rule 108. A licensee shall do all of the following:

- (a) Obtain an annual audit of all financial accounts. Audits for nongovernmental institutions shall be conducted by an independent certified public accountant who is not administratively related to the agency.
- (b) Annually develop and implement a plan to correct any deficiencies identified.
- (c) Demonstrate sufficient financing to assure that proper care of residents is provided and that licensing rules are followed.
- (d) Develop a budget that includes projected income and expenditures.

R 400.4109 Program statement.

Rule 109. (1) An institution shall have and follow a current written program statement which specifically addresses all of the following:

- (a) The types of children to be admitted for care.
- (b) The services provided to residents and parents directly by the institution and the services provided by outside resources.
- (c) Policies and procedures pertaining to admission, care, safety, and supervision, methods for addressing residents' needs, implementation of treatment plans, and discharge of residents.
- (2) The program statement shall be made available to residents, parents, and referral sources.

R 400.4110 Employees qualified under prior rules.

Rule 110. An employee in a position approved before the effective date of these rules is deemed to be qualified for that position at the institution. A person appointed to a position after the date of these rules shall meet the qualifications of these rules for that position.

R 400.4111 Job description.

Rule 111. An institution shall provide a job description for each staff position that identifies rules, required qualifications, and lines of authority.

R 400.4112 Staff qualifications.

Rule 112. (1) A person with ongoing duties shall have both of the following:

- (a) Ability to perform duties of the position assigned.
- (b) Experience to perform the duties of the position assigned.

(2) A person who has unsupervised contact with children shall not have been convicted of either of the following:

- (a) Child abuse or neglect.
- (b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(3) A person who has unsupervised contact with children shall not be a person who is listed on the central registry as a perpetrator of child abuse or child neglect.

R 400.4113 Employee records.

Rule 113. An institution shall maintain employee records for each employee and shall include documentation of all of the following information prior to employment or at the time specified in this rule:

- (a) Name.
- (b) A true copy of verification of education from an accredited college or university where minimum education requirements are specified by rule.
- (c) Verification of high school diploma or GED when specified by rule.
- (d) Work history.
- (e) Three dated references which are obtained prior to employment from persons unrelated to the employee and which are less than 12 months old.
- (f) A record of any convictions other than minor traffic violations from either of the following entities:
 - (i) Directly from the Michigan state police or the equivalent state law enforcement agency, Canadian province, or other country where the person usually resides or has resided in the previous 5 years.
 - (ii) From an entity accessing either Michigan state police records or equivalent state, Canadian provincial, or other country law enforcement agency where the person usually resides or has resided in the previous 5 years.
- (g) If the employee has criminal convictions, the institution shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity for the purpose of determining suitability for employment in the institution.
- (h) A statement from the employee regarding any convictions.
- (i) Documentation from the Michigan department of human services, the equivalent state or Canadian provincial agency, or equivalent agency in the country where the person usually resides, that the person has not been determined to be a perpetrator of child abuse or child neglect. The documentation shall be completed not more than 30 days prior to the start of employment and every 12 months thereafter.

(j) A written evaluation of the employee's performance within 30 days of the completion of the probationary period or within 180 days, whichever is less, and a written evaluation of the employee's performance annually thereafter.

(k) Verification of health where specified by institution policy.

R 400.4114 Tuberculosis screening for employees and volunteers.

Rule 114. The licensee shall document, prior to employment, that each employee and volunteer who has contact with residents 4 or more hours per week for more than 2 consecutive weeks is free from communicable tuberculosis. Freedom from communicable tuberculosis shall be verified within the 1 year period before employment and shall be verified every 1 year after the last verification or prior to the expiration of the current verification.

R 400.4115 First aid; CPR.

Rule 115. A person certified within the preceding 36 months in first aid and within the preceding 24 months in age-appropriate cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, or an equivalent organization or institution approved by the department shall be on duty at all times when 1 or more children are present.

R 400.4116 Chief administrator; responsibilities.

Rule 116. (1) An agency shall assign the chief administrator responsibility for the on-site day-to-day operation of the institution and for ensuring compliance with these rules.

(2) An institution's chief administrator shall be administratively responsible annually for all of the following functions:

(a) Not less than once annually, conduct a written assessment and verify the agency's compliance with these rules.

(b) Develop and implement a written plan to correct, within 6 months, rule violations identified as a result of the assessment conducted pursuant to subdivision (a) of this subrule.

(c) Conduct a written evaluation of trends and patterns of all unplanned discharges.

R 400.4117 Chief administrator; qualifications.

Rule 117. (1) A chief administrator, at the time of appointment, shall possess either of the following:

(a) A master's degree in a human behavioral science, education, business administration, or public administration from an accredited college or university and 2 years of experience in a child caring institution or child placing agency or equivalent organization from another state or Canadian province.

(b) A bachelor's degree with a major in education, a human behavioral science, business administration, or public administration from an accredited college or university and 4 years of post-bachelor's degree experience in a child caring institution or child placing agency or equivalent organization from another state or Canadian province.

(2) An organization shall notify the licensing authority of a change of chief administrator within 30 days of the change.

R 400.4118 Social service supervisor; qualifications.

Rule 118. A social service supervisor, at the time of appointment to the position, shall possess either of the following:

(a) A master's degree in a human behavioral science from an accredited college or university and 2 years of experience as a social service worker.

(b) A bachelor's degree in a human behavioral science or another major with 25% of the credits in a human behavioral science from an accredited college or university and 4 years of experience as a social service worker-

R 400.4119 Social service worker; qualifications.

Rule 119. A social service worker, at the time of appointment to the position, shall possess a bachelor's degree with a major in a human behavioral science from an accredited college or university or another major with 25% of credits in human behavioral sciences.

R 400.4120 Supervisor of direct care workers; qualifications.

Rule 120. A supervisor of direct care workers shall have 1 of the following:

(a) A bachelor's degree from an accredited college or university and 2 years of work experience in a child caring institution.

(b) Two years of college from an accredited college or university and 3 years of work experience in a child caring institution.

(c) A high school diploma and 4 years of work experience in a child caring institution.

R 400.4121 Direct care worker; qualifications.

Rule 121. A direct care worker shall have completed high school or obtained a general equivalency diploma (GED).

R 400.4122 Resident and parent visitation.

Rule 122. An institution shall provide for visits between each resident and the resident's parents, unless parental rights have been terminated or the resident's record contains documentation that visitation is detrimental to the resident.

R 400.4123 Education.

Rule 123. (1) An institution shall not admit a child for care unless an appropriate educational program can be provided.

(2) Provision shall be made for an appropriate education program in accordance with 1976 PA 451, MCL 380.1 to 380.1853. Each resident of school age shall be enrolled not later than 5 school days after admission and continuously thereafter.

R 400.4124 Communication.

Rule 124. An institution shall have and follow a written policy regarding communication that ensures that a child is able to communicate with family and friends in a manner appropriate to the child's functioning and consistent with the child's treatment plan and security level.

R 400.4125 Personal possessions; money; clothing; storage space.

Rule 125. (1) A licensee shall have a written policy that designates all of the following:

(a) The method used to safeguard residents' personal possessions and money.

(b) The method used to accurately account for and return possessions and money to the resident or guardian upon discharge.

(c) The method for ensuring that each resident has sufficient clean, properly fitting, seasonal clothing.

(2) The licensee shall provide accessible storage space for personal possessions.

R 400.4126 Sufficiency of staff.

Rule 126 The licensee shall have a sufficient number of administrative, supervisory, social service, direct care, and other staff on duty to perform the prescribed functions required by these administrative rules and in the agency's program statement and to provide for the continual needs, protection, and supervision of residents.

R 400.4127 Staff-to-resident ratio.

Rule 127. (1) The licensee shall develop and adhere to a written staff-to-resident ratio formula for direct care workers.

(2) At a minimum, 1 direct care worker shall be responsible for not more than 10 residents at 1 time during residents' normal awake hours and not more than 20 residents at 1 time during the residents' normal sleeping hours.

(3) The ratio formula for direct care workers shall correspond with the institution's purpose and the needs of the residents and shall assure the continual safety, protection, and direct care and supervision of residents.

(4) When residents are asleep or otherwise outside of the direct supervision of staff, staff shall perform variable interval, eye-on checks of residents. The time between the variable interval checks shall not exceed fifteen minutes.

R 400.4128 Initial staff orientation and ongoing staff training.

Rule 128. (1) The licensee shall provide an orientation program for new employees. Job shadowing shall not be the only form of orientation.

The orientation shall include the following:

(a) The institution's purpose, policies, and procedures, including discipline, crisis intervention techniques, and emergency and safety procedures.

(b) The role of the staff members as related to service delivery and protection of the children.

(2) The licensee shall provide a written plan of ongoing staff training related to individual job functions and the institution's program.

(3) The licensee shall document that each staff person whose function is covered by these rules has participated in a minimum of 50 clock hours of planned training within the first year of employment and a minimum of 25 clock hours of training annually thereafter related to the employee's job function. At least 16 of the 50 hours provided in the first year shall be orientation provided prior to the assumption of duties.

(4) Training opportunities for direct care staff shall include, but are not limited to, all of the following:

(a) Developmental needs of children.

(b) Child management techniques.

(c) Basic group dynamics.

(d) Appropriate discipline, crisis intervention, and child handling techniques.

(e) The direct care worker's and the social service worker's roles in the institution.

(f) Interpersonal communication.

(g) Proper and safe methods and techniques of restraint and seclusion if the agency has an approved seclusion room.

(h) First aid.

(5) An employee shall not participate in restraining a resident or placing a resident in seclusion prior to receiving training on those topics. The training model shall be approved, in writing, by the department.

R 400.4129 Institutions serving developmentally disabled youth; written procedures.

Rule 129. An institution providing care to developmentally disabled residents shall require staff to follow written procedures for bathing, feeding, toilet training, and daily activities of residents.

R 400.4131 Compliance with child protection law; development of plan required.

Rule 131. The licensee shall develop and implement a written plan to assure compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

R 400.4132 Grievance procedures.

Rule 132. (1) An agency shall have and follow a written grievance handling procedure for residents and their families. All of the following apply:

(a) The policy shall be provided to residents, their families, and referring sources prior to or at admission.

(b) The policy shall be explained in a language the resident and his or her family can understand.

(c) There shall be written acknowledgement the policy was provided as required in subdivision (a) of this subrule.

(2) The procedure shall provide for all of the following:

(a) Safeguarding the legal rights of residents and their families.

(b) Addressing matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.

(c) Delineating the method of initiating the procedure.

(d) Specifying time frames for decisions.

(3) In a secure juvenile justice facility that uses room confinement as a behavioral sanction, the procedure shall provide for all of the following:

(a) Before the sanction begins, but not later than 24 hours after confinement for misconduct, an opportunity for the resident to be heard by a trained impartial fact finder designated by the chief administrator, has no personal knowledge of the incident, and has the authority to release the resident from confinement.

(b) Staff assistance in preparing and presenting his or her grievance or defense.

(c) A meaningful process of appeal.

(4) An agency shall provide a grievant with a written copy of the grievance resolution.

R 400.4134 Religious/spiritual policy and practices.

Rule 134. (1) The institution shall have and follow a policy on religious/spiritual participation that contains, at a minimum, both of the following:

(a) A resident shall not be prohibited from participating in religious activities and services in accordance with the resident's own faith and parental direction as long as the participation does not conflict with the safety and security of the facility.

(b) A resident shall not be compelled to attend religious services or religious education nor be disciplined for failing to attend.

(2) The institution shall provide the policy to parents and referral sources prior to or at admission.

R 400.4135 Resident work experience.

Rule 135. (1) An institution shall have and follow a written policy regarding work experiences for residents that specifies, at a minimum, all of the following:

- (a) How and when residents are or are not compensated for working.
- (b) Means of protection from exploitation.
- (c) The types of work experience that residents will engage in.

(2) Work experiences for a resident shall be appropriate to the age, health, and abilities of the resident.

(3) Residents shall not be permitted to work for staff members' personal gain and shall be protected from personal exploitation.

R 400.4136 Recreational activities, equipment, and supplies; swimming restriction.

Rule 136. (1) An institution shall have and follow a written policy regarding recreational activities, equipment maintenance, appropriate supervision related to age of youth and developmental level of youth, and training of staff involved in recreational activities.

(2) Residents shall be provided a variety of indoor and outdoor recreational activities designed to meet the residents' needs.

(3) An institution shall provide appropriate recreation supplies and equipment.

(4) Swimming shall be permitted only where and when a qualified lifeguard is on duty and who is not counted in the staffing ratio.

(5) As used in this rule, high adventure activity means a program that requires specially trained staff or special safety precautions to reduce the possibility of an accident. If the institution provides high adventure activities, including swimming, the institution shall have and follow a program statement that covers all of the following:

(a) Activity leader training and certification and experience qualifications appropriate to the activity.

(b) Specific staff-to-resident ratio appropriate to the activity.

(c) Classifications and limitations for resident participation.

(d) Arrangement, maintenance, and inspection of the activity area.

(e) Equipment and the biannual inspection and maintenance of the equipment and the program by a nationally recognized inspection process.

(f) Safety precautions.

(g) High adventure activities shall be conducted by an adult who has training or experience in conducting the activity.

(6) If institution staff take youth away from the institution for 1 or more overnights, the institution shall keep a travel plan on file at the institution. The travel plan shall include an itinerary and pre-established check-in times.

R 400.4137 Sleeping rooms.

Rule 137. (1) Residents may be required to remain in their assigned rooms for up to 30 minutes to accommodate staff shift changes.

(2) Residents of the opposite sex, if either is over 5 years of age, shall not sleep in the same sleeping room.

(3) In new and converted institutions, single occupant sleeping rooms shall not be less than 70 square feet, exclusive of closet space.

(4) In new and converted institutions, multi-occupant sleeping rooms shall not be less than 45 square feet per occupant, exclusive of closet space.

(5) In new or converted secure institutions, locked resident sleeping rooms shall be equipped with a 2-way monitoring device.

(6) In programs that accept children less than 2 years of age, the following safe sleep conditions shall be followed:

(a) Infants, birth to 12 months of age, shall rest alone in a crib that meets all of the following conditions:

(i) Has a firm, tight-fitting mattress with a waterproof, washable covering.

(ii) Does not have any loose, missing, or broken hardware or slats.

(iii) Has not more than 2 3/8 inches between slats.

(iv) Has no corner posts over 1/16 inches high.

(v) Has no cutout designs in the headboard or footboard.

(vi) Has a tightly fitted bottom sheet that covers the mattress with no additional padding placed between the sheet and mattress.

(vii) Blankets shall not be draped over cribs or bassinets.

(vii) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

An infant's head shall remain uncovered during sleep.

(c) Infant car seats, infant seats, infant swings, highchairs, playpens, pack-n-play, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(d) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size.

(e) Children birth to 24 months of age shall sleep alone in a crib or toddler bed that is appropriate and sufficient for the child's length, size, and movement.

An infant shall be placed on his or her back for resting and sleeping.

(g) An infant unable to roll from stomach to back, and from back to stomach, when found facedown, shall be placed on his or her back.

(h) An infant who can easily turn over from his or her back to his or her stomach shall initially be placed on his or her back, but allowed to adopt whatever position he or she prefers for sleep.

(i) For an infant who cannot rest or sleep on his or her back, the institution shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.

(j) The institution shall maintain supervision and frequently monitor infant's breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.

R 400.4138 Bedding and linen.

Rule 138. (1) Each resident shall be provided with an individual bed with a clean pillow, mattress and sufficient clean blankets.

(2) Each resident shall be provided with clean sheets and a pillowcase at least weekly and more often if soiled.

(3) All bedding shall be in good repair and shall be cleaned and sanitized before being used by another person.

R 400.4139 Driver's license.

Rule 139. The institution shall document that the driver of any vehicle transporting residents at the request of or on behalf of the licensee shall be an adult and possess a valid operator or

chauffeur license with endorsement appropriate to the vehicle driven and the circumstances of its use.

R 400.4140 Transportation.

Rule 140. (1) The institution shall have and follow a policy on vehicle maintenance that ensures vehicles are properly maintained.

(2) All vehicles shall be insured as required by state law.

(3) Each resident transported shall occupy a manufacturer's designated seat. A resident shall not be transported in any portion of any vehicle not specifically designed by the manufacturer for passenger transportation.

(4) Infants and children shall use age appropriate child safety seats as required by state law.

R 400.4141 Safety belts.

Rule 141. The driver and all passengers shall be properly restrained with safety belts while the vehicle is being operated.

R 400.4142 Health services; policies and procedures.

Rule 142. (1) An institution shall establish and follow written health service policies and procedures addressing all of the following:

(a) Routine and emergency medical, ~~and~~ dental, and behavioral health care.

(b) Health screening procedures.

(c) Documentation of medical care and maintenance of health records.

(d) Storage of medications.

(e) Dispensing medication.

(f) Definition and training of personnel authorized to dispense medications.

(g) Methods for dispensing medication when the resident will be off site.

(2) Resident medications shall be kept in the original pharmacy supplied container until dispensed, shall be kept with the equipment to administer it in a locked area, and refrigerated, if required.

R 400.4143 Medical treatment; supervision.

Rule 143. Medical treatment shall be under the supervision of a licensed physician or other licensed health professional as permitted by law.

R 400.4144 Admission health screening; physical examinations.

Rule 144. (1) An initial health screening shall be completed for each resident within 24 hours of admission to a facility.

(2) An institution shall have the following documentation of an admission physical examination for each resident, unless an earlier examination is medically indicated:

(a) For a resident under 3 years of age, a physical examination shall have been completed within 90 calendar days prior to admission or a new physical examination shall be completed within 30 calendar days after admission.

(b) For a resident 3 years of age or older, a physical examination shall have been completed within 1 year prior to admission or a new physical examination shall be completed within 30 calendar days after admission.

(3) Sufficient health history information shall be documented for each resident to assure proper medical care.

(4) Nothing in the rules adopted under the act shall authorize or require a medical or physical examination or treatment for any child whose parent objects on religious grounds. If a parent objects to medical or physical examinations or treatments on religious grounds, the objection shall be made in writing to the institution and retained in the resident's file.

R 400.4145 Periodic physical examinations.

Rule 145. (1) An institution shall provide and document periodic physical examination for each resident as follows, unless greater frequency is medically indicated:

(a) At least once every 3 months for residents under 1 year of age.

(b) At least once every 14 months for residents 1 year of age or older.

(2) Nothing in the rules adopted under 1973 PA 116 shall authorize or require a medical or physical examination or treatment for any child whose parent objects on religious grounds. If a parent objects to medical or physical examinations or treatments on religious grounds, the objection shall be made in writing to the institution and retained in the resident's file.

R 400.4146 Immunizations.

Rule 146. (1) A resident shall have current immunizations as required by the department of community health.

(2) If documentation of immunizations is unavailable, immunizations shall begin within 30 calendar days of admission, unless a statement from a physician indicating that immunizations are contraindicated is included in the resident's record.

(3) A written statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

(4) Nothing in the rules adopted under 1973 PA 116 shall authorize or require immunizations for any child whose parent objects on religious grounds. If a parent objects to immunizations on religious grounds, the objection shall be made in writing to the institution and retained in the resident's file.

R 400.4147 Dental care.

Rule 147. (1) A licensee shall provide for and document dental examinations and treatment for each resident 3 years of age and older.

(2) A dental examination within 12 months prior to admission shall be documented or there shall be an examination not later than 90 calendar days following admission.

(3) Reexamination shall be provided at least every 14 months unless greater frequency is indicated.

R 400.4148 Personal hygiene.

Rule 148. An institution shall assure that each resident maintains or receives personal care, hygiene, and grooming appropriate to the resident's age, sex, race, cultural background, and health needs.

R 400.4149 Resident nutrition.

Rule 149. (1) A licensee shall provide a minimum of 3 nutritious edible meals daily unless medically contraindicated and documented.

(2) Meals shall be of sufficient quantity to meet the nutritional allowances recommended by USDA guidelines: (www.healthierus.gov/dietaryguidelines)

(3) A resident who has been prescribed a special diet by a physician shall be provided such a diet.

(4) Menus, including snacks if provided, shall be written and posted prior to the serving of the meal. Any change or substitution shall be noted and considered as part of the original menu. Menus shall be retained for 1 year.

R 400.4150 Incident reporting.

Rule 150. (1) Any incident resulting in serious injury of a resident or illness requiring inpatient hospitalization, shall be reported to the parent/ legal guardian, responsible referring agency, and the licensing authority as soon as possible, but not more than 24 hours after the incident.

(2) The death of a resident shall be reported immediately to the parent/legal guardian or next of kin, law enforcement, the licensing authority, and the referring agency.

(3) If an institution determines that a youth is absent without legal permission, then the institution shall immediately report the information to law enforcement, the parent/legal guardian or next of kin, the licensing authority, and the referring agency.

(4) When a resident's behavior results in contact with law enforcement, the incident shall be reported to the parent/legal guardian, responsible referring agency, and the licensing authority as soon as possible, but not more than 24 hours after the incident.

R 400.4151 Emergency; continuity of operation procedures.

Rule 151. (1) An institution shall establish and follow written emergency procedures that have been approved by the department that maintain the continuity of operations for a minimum of 72 hours to assure the safety of residents for the following circumstances:

(a) Fire.

(b) Severe weather.

(c) Medical emergencies.

(d) Missing persons.

(f) Disasters.

(g) Utility failures.

(2) The procedures shall explain, in detail, all of the following:

(a) Staff roles and responsibilities.

(b) Evacuation procedures.

(c) Required notifications, including but not limited to, the licensing authority, the referring agency, and law enforcement.

(d) Methods for maintaining continuity of services.

R 400.4152 Initial documentation.

Rule 152. At the time of admission, all of the following shall be in the resident's case record:

(a) Name, address, birth date, ~~sex~~, gender, race, height, weight, hair color, eye color, identifying marks, religious preference, and school status.

(b) A photograph taken within the previous 12 months.

(c) A brief description of the resident's preparation for placement and general physical and emotional state at the time of admission.

(d) Name, address, and marital status of parents and name and address of legal guardian, if known.

(e) Date of admission and legal status.

(f) Documentation of legal right to provide care.

(g) Authorization to provide medical, dental, and surgical care and treatment as provided in section 14 a(1), (2), and (3) of 1973 PA 116, MCL 722.124a.

(h) A brief description of the circumstances leading to the need for care.

(i) Documentation that the grievance policy was provided as required in R 400.4132.

R 400.4153 Shelter care and detention institutions; preliminary service plans.

Rule 153. Within 7 calendar days of admission, a plan shall be developed for each resident. The plan shall include all of the following:

(a) The reason for care.

(b) An assessment of the resident's immediate and specific needs.

(c) The specific services to be provided by the institution.

(d) Other resources to meet the resident's needs.

R 400.4154 Shelter care and detention institutions; service plans.

Rule 154. (1) Within 30 calendar days after admission and every 15 calendar days thereafter, an institution shall complete a written service plan. The service plan shall include all of the following:

(a) The reason for continued care.

(b) Evaluation of service needs.

(c) Ongoing service needs.

(d) How service needs will be met.

(e) Unmet service needs and the reasons those needs are unmet.

(2) Copies of the plan shall be maintained at the institution.

R 400.4155 Institutions not detention institutions or shelter care institutions; initial treatment plan.

Rule 155. (1) The social service worker shall complete, sign, and date an initial treatment plan for each resident within 30 calendar days of admission.

(2) The initial treatment plan developed by the social worker shall document input from the resident, the resident's parents, direct care staff, and the referral source, unless documented as inappropriate.

(3) The initial treatment plan shall include all of the following:

(a) An assessment of the resident's and family's strengths and needs.

(b) Plans for parent and child visitation.

(c) Treatment goals to remedy the problems of the resident and family, and time frames for achieving the goals.

(d) Indicators of goal achievement.

(e) The person responsible for coordinating and implementing the resident and family treatment goals.

(f) Staff techniques for achieving the resident's treatment goals, including a specific behavior management plan. The plan shall be designed to minimize seclusion and restraint and include a continuum of responses to problem behaviors.

(g) Projected length of stay and next placement.

(h) For youth who are permanent court wards or MCI wards, there must be documented coordination with the agency assigned to complete adoption or permanency planning for the youth.

(i) For youth 14 years of age and over, a plan to prepare the youth for functional independence.

(4) The social service worker shall sign and date the initial treatment plan.

(5) The social service supervisor shall approve, countersign, and date the initial treatment plan.

R 400.4156 Institutions not detention institutions or shelter care institutions; updated treatment plan.

Rule 156. (1) The social service worker shall complete, sign, and date an updated treatment plan for each resident at least once every 90-calendar days following the initial treatment plan.

(2) The updated treatment plan developed by the social worker shall document input from the resident, the resident's parents, direct care staff, and the referral source, unless documented as inappropriate.

(3) The updated treatment plan shall include all of the following information:

(a) Dates, persons contacted, type of contact, and place of contact.

(b) Progress made toward achieving the goals established in the previous treatment plan.

(c) Changes in the treatment plan, including new problems and new goals to remedy the problems. Indicators of goal achievement and time frames for achievement shall be specified along with a specific behavior management plan designed to minimize seclusion and restraint and that includes a continuum of responses to problem behaviors.

(d) For youth who are permanent court wards or MCI wards, there must be documented coordination with the agency assigned to complete adoption or permanency planning for the youth.

(e) For youth 14 years of age and over, a plan to prepare the youth for functional independence.

(4) The social service worker shall sign and date the initial treatment plan.

(5) The social service supervisor shall approve, countersign, and date the updated treatment plan.

R 400.4157 Behavior management.

Rule 157. (1) An institution shall establish and follow written policies and procedures that describe the institution's behavior management system. The policies and procedures shall be reviewed annually and updated as needed. These shall be available to all residents, their families, and referring agencies.

(2) At a minimum, the behavior management system shall include all of the following:

(a) A structured system designed to reward the positive behavior of individual residents based upon the effort put forth.

(b) Positive intervention strategies to assist residents in developing improved problem solving, self-management, and social skills.

(c) Written guidelines for informally resolving minor misbehavior.

(d) Written rules of conduct that specify all of the following:

(i) Expected behavior.

(ii) Acts that are prohibited in the institution.

(iii) The range of interventions that may be imposed for violation of those rules.

(e) Scheduled training for institution personnel in the behavior management system.

(f) A provision for resident input into the proper application of the behavior management system.

(g) A provision for the distribution of behavior management policies and procedures to residents, parents, and referral agencies.

R 400.4158 Discipline.

Rule 158. (1) An institution shall establish and follow written policies and procedures regarding discipline. These shall be available to all residents, their families, and referring agencies.

- (2) An institution shall prohibit all cruel and severe discipline, including any of the following:
 - (a) Any type of corporal punishment inflicted in any manner.
 - (b) Disciplining a group for the misbehavior of individual group members.
 - (c) Verbal abuse, ridicule, or humiliation.
 - (d) Denial of any essential program services, including adoption planning.
 - (e) Withholding of food or creating special menus for behavior management purposes.
 - (f) Denial of visits or communications with family.
 - (g) Denial of opportunity for at least 8 hours of sleep in a 24-hour period.
 - (h) Denial of shelter, clothing, or essential personal needs.
- (3) Residents shall not be permitted to discipline other residents.

R 400.4159 Resident restraint.

Rule 159. (1) An institution shall establish and follow written policies and procedures regarding restraint. These policies and procedures shall be available to all residents, their families, and referring agencies.

(2) Resident restraint shall be performed in a manner that is safe, appropriate, and proportionate to the severity of the minor child's behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of trauma, and done in a manner consistent with the resident's treatment plan.

(3) The written policy shall include all of the following:

(a) Procedures for the review of an incident of restraint within 48 hours by a level of supervision above the staff ordering or conducting the restraint to determine if the requirements of the institution's procedures were adhered to in directing and conducting the restraint.

(b) Procedures for the provision of sufficient and adequate training for all staff members of the institution who may use or order the use of restraint using the institution's written procedures.

(c) Procedures for recording restraints as an incident report.

(d) Procedures for the review and aggregation of incident reports regarding restraints at least biannually by the institution's director or designee.

(4) The written policy shall only permit the licensee to restrain a child for the following circumstances:

(a) To prevent injury to the child, self-injury, or injury to others.

(b) As a precaution against escape or truancy.

(c) When there is serious destruction of property that places a child or others at serious threat of violence or injury if no intervention occurs.

(5) The written policy shall prohibit, at a minimum, any of the following aversive punishment procedures:

(a) The use of noxious substances.

(b) The use of instruments causing temporary incapacitation.

(c) Chemical restraint as defined in the act.

(6) Restraint equipment and physical restraint techniques shall not be used for punishment, discipline, or retaliation.

(7) The use of a restraint chair is prohibited.

(8) Resident restraint shall only be applied for the minimum time necessary to accomplish the purpose for its use as specifically permitted in subrule (2) of this rule. Approval of a supervisor shall be obtained when the restraint lasts more than 20 minutes.

(9) The approval of the administrator or his or her designee shall be obtained prior to any use of material or mechanical restraints. A staff member shall be present continuously while material or

mechanical restraint equipment is being used on a resident, and the staff member shall remain in close enough proximity to the restraint to intervene immediately in case of emergency to protect the safety of the resident.

(10) A staff person shall document each use of material or mechanical restraint equipment in a written record and shall include all of the following information:

- (a) The name of the resident.
- (b) The name of the administrator or designee who authorized the use of the equipment, and the time of the authorization.
- (c) The time the restraint equipment was applied.
- (d) The name of the staff member who was responsible for the application.
- (e) A description of the specific behavior that necessitated its use.
- (f) The name of the staff person who was continuously with the resident.
- (g) The date and time of removal of the equipment and the name of the person removing the equipment.

R 400.4160 Seclusion rooms; department approval required.

Rule 160. (1) Prior to establishing a seclusion room, an institution shall – obtain written approval from the department’s licensing authority and the department of licensing and regulatory affairs, bureau of fire services.

(2) Prior to changing policies related to the use of a seclusion room, an institution shall obtain written approval from the department’s licensing authority.

R 400.4161 Seclusion rooms; policies and procedures.

Rule 161. An institution approved to use a seclusion room shall establish and follow written policies and procedures specifying its use. The policy shall include, at a minimum, all of the following provisions:

(a) Seclusion shall be performed in a manner that is safe, appropriate, and proportionate to the severity of the minor child’s behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of trauma.

(b) The room may only be used if a resident is in danger of jeopardizing the safety and security of himself, herself, or others.

(c) The room shall be used only for the time needed to change the behavior compelling its use.

(d) Not more than 1 resident shall be placed in a room at 1 time.

(e) Staff shall observe the resident at intervals of 15 minutes or less and shall record the observation in a seclusion room log. Video surveillance shall not be the only means of observation.

(f) The log shall include all of the following information:

(i) Name of resident.

(ii) Time of each placement.

(iii) Name of staff person responsible for placement.

(iv) Description of specific behavior requiring use or continued use of the room and interactive strategy for removal.

(v) Medical needs addressed during seclusion, including medication administration.

(vi) Time of each removal from the room.

(g) The room shall be equipped to minimize suicide risk and risk of physical injury. Break-resistant glass glazing and/or security screening shall be provided.

(h) The monitoring device or devices in a seclusion room shall be on and monitored by an employee when a resident is in the room.

R 400.4162 Seclusion rooms; administrative oversight.

Rule 162. (1) The chief administrator or chief administrator designee shall be informed of all instances of placement into a seclusion room within 24 hours.

(2) The chief administrator or chief administrator designee shall track all instances of the use of a seclusion room, the length of each confinement, the frequency of individual residents confined, the reason for the confinement, and the staff person who initiated the confinement for the purpose of analyzing the effectiveness of the intervention for controlling behavior in the program.

(3) For each instance in which a resident remains in the room for more than an hour, the log shall contain documentation of supervisory approval and the reasons for continued use.

(4) For each instance in which a resident remains in the room for more than 2 hours, the log shall contain hourly supervisory approval and the reasons for continued use.

(5) When the seclusion room is used for more than 3 hours, administrative review above the level of the supervisor who approved the extended use shall be completed and documented within 48 hours.

R 400.4163 Secure facilities serving juvenile justice youth; seclusion room.

Rule 163. (1) A child caring institution shall not confine a resident in a room as punishment for misconduct except within a secure facility serving exclusively juvenile justice youth.

(2) The institution shall establish and follow a written policy, which, at a minimum, includes all of the following:

(a) Supervisory approval prior to use of seclusion as punishment.

(b) A process that allows the resident all the following:

(i) Written notice of the alleged misconduct.

(ii) Written notice of actions that can be taken to be released.

(iii) Items in subrule (2)(b)(i) and (ii) of this rule shall be provided to the resident before the seclusion begins.

(iv) If a resident is originally placed in seclusion for a reason other than a sanction and the institution determines that the confinement will also be used as a sanction, the items in subrule (2)(b)(i) and (ii) of this rule shall be provided not later than 24 hours after the resident is placed into seclusion.

(c) All sanctions of room confinement shall be for specific periods of time.

(d) A sanction of room confinement shall not exceed 72 hours inclusive of any time spent in seclusion for out-of-control behavior at the time of the incident itself. Sanctions of 72 hours shall be reserved for only the most serious misconduct.

(e) Staff shall observe the resident at intervals of 15 minutes or less and shall record the observation in a seclusion room log.

(f) The log shall include all of the following information:

(i) Name of resident.

(ii) Time of each placement.

(iii) Name of staff person responsible for each placement.

(iv) Description of specific behavior requiring use of room.

(v) Time of observations of resident.

(vi) Time of each removal from room.

(vii) Addressing of medical needs, including medication administration.

(g) An institution shall not implement a resident reintegration behavior plan that extends the period of room confinement. A resident shall be released from room confinement at the end of the specified period.

(3) Prior to establishing or changing a policy under this rule, an institution shall have written approval from the department licensing authority.

R 400.4164 Secure facilities serving juvenile justice youth; reintegration.

Rule 164. A secure facility that serves juvenile justice youth may have policies and procedures used to reintegrate youth who have been placed in seclusion back into the program. A facility shall not use reintegration in conjunction with seclusion that has been used as a sanction for misconduct, if that would extend a resident's confinement for more hours than the original sanction or more than 72 total hours. The policy for reintegration shall include, at a minimum, all of the following:

(a) The room may only be used for the time needed to change the behavior compelling its use.

(b) When a resident has been in seclusion for more than 2 hours, the reintegration plan shall be developed at the supervisory level and shall include all of the following:

(i) A clear statement of the out-of-control behavior or risk to others that requires continued seclusion.

(ii) Target behavioral or therapeutic issues that must be resolved.

(iii) Specific reintegration requirements or behavioral or therapeutic intervention assignments and goals that must be completed while the resident is in the seclusion room, listed in writing, and shared with the resident.

(iv) If intermittent removal from the seclusion room is required for the resident to work on the specific behavioral/therapeutic intervention goals, the level of restriction from the program and goals for the period of time out of the room must be listed in writing and shared with the resident.

(v) The strategies staff are to use to aide the resident in resolving the issues requiring seclusion and reintegrating into the program.

(c) The secure facility serving juvenile justice youth shall comply with R 400.4162.

(d) A reintegration plan shall not last longer than 72 hours.

R 400.4165 Secure facilities serving juvenile justice youth; lockdowns.

Rule 165. (1) A secure facility may only use lockdown in situations that threaten facility security, including but not limited to, riots, taking of hostages, or escape plans involving multiple residents.

(2) A secure facility serving juvenile justice youth that uses lockdowns in which all residents are confined to their rooms shall have a written policy that describes the procedures to be followed and includes all of the following:

(a) Who may order a lockdown.

(b) Who is to implement the lockdown when it has been ordered.

(c) How the problem is to be contained.

(d) Procedures to be followed after the incident is resolved.

(e) Notification of the licensing authority within 24 hours after the occurrence of a lockdown.

R 400.4166 Discharge plan.

Rule 166. (1) When a resident is discharged from institutional care, all of the following information shall be documented in the case record within 14 days after discharge:

- (a) The date of and reason for discharge, and the new location of the child.
 - (b) A brief summary or other documentation of the services provided while in residence, including medical and dental services.
 - (c) An assessment of the resident's needs that remain to be met.
 - (d) Any services that will be provided by the facility after discharge.
 - (e) A statement that the discharge plan recommendations, including medical and dental follow up that is needed, have been reviewed with the resident and with the parent and with the responsible case manager.
 - (f) The name and official title of the person to whom the resident was discharged.
- (2) For an unplanned discharge, an institution shall provide a brief summary or other documentation of the circumstances surrounding the discharge.

R 400.4167 Case record maintenance.

Rule 167. (1) The institution shall maintain a case record for each resident.

- (2) Service plans shall be signed and dated by the social services worker and the social services supervisor.
- (3) Narrative entries in the case record shall be signed and dated by the person making the entry.
- (4) Records shall be maintained in a uniform and organized manner, shall be protected against destruction and damage, and shall be stored in a manner that safeguards confidentiality.
- (5) Resident records shall be maintained for not less than 7 years after the resident is discharged.

R 400.4168 Rescinded.

R 400.4169 Rescinded.

R 400.4170 Rescinded.

R 400.4172 Rescinded.

R 400.4173 Rescinded.

R 400.4175 Rescinded.

R 400.4176 Rescinded.

R 400.4177 Rescinded

R 400.4178 Rescinded.

R 400.4181 Rescinded.

R 400.4182 Rescinded.

R 400.4183 Rescinded.

PART 2. SHORT-TERM INSTITUTIONS

R 400.4201 Rescinded.

R 400.4231 Rescinded.

R 400.4232 Rescinded.

R 400.4234 Rescinded.

R 400.4237 Rescinded.

R 400.4238 Rescinded.

PART 3. RESIDENTIAL TREATMENT INSTITUTIONS

R 400.4302 Rescinded.

R 400.4331 Rescinded.

R 400.4332 Rescinded.

R 400.4334 Rescinded.

R 400.4335 Rescinded.

R 400.4336 Rescinded.

R 400.4337 Rescinded.

R 400.4338 Rescinded.

ART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE INSTITUTION FACILITIES

R 400.4501 Definitions.

Rule 501. As used in this part:

(a) "Ambulatory" means a resident who is physically and mentally capable of traversing a path to safety without the aid of another person. A path to safety includes the ascent and descent of any stairs or approved means of egress.

(b) "Approved" means acceptable to the department and fire inspecting authority and in accordance with these rules. The department makes the final approval based on recommendations from the fire inspecting authority.

(c) "Basement" means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for at least 50% of the perimeter of the story.

(d) "Combustible" means those materials which can ignite and burn.

(e) "Conversion" or "converted" means a change, after the effective date of these rules, in the use of a facility or portion thereof from some previous use to that of a licensed or approved institution, or an increase in capacity from a residential group home to a small facility or an increase in capacity from a small facility to a large facility or a change to a secure facility. A converted facility shall comply with the provisions of these rules for fire safety for converted facilities.

(f) "Electric lock" means an electric door lock system operated from a remote control unit. The system is fail-safe in that all locks are automatically unlocked in the event of electrical failure. The system is approved by a nationally recognized independent testing laboratory.

(g) "Escape window" in new construction, remodeled, or converted facilities means an approved side-hinged window with a minimum net clear opening of 5.7 square feet with a net clear opening height of 24 inches and width of 20 inches. Grade floor openings shall have a minimum net clear opening of 5.7 square feet. The window shall be operable from the inside with a single motion and shall be equipped with non-locking-against-egress hardware. The window shall be operable without the use of special tools. The sill height shall not be greater than 36 inches from the floor, unless an approved substantial permanent ledge or similar device not less than 12 inches wide is provided under the window, in which case the sill height may be increased to 44 inches from the floor. In an existing facility, "escape window" means a window acceptable to the fire inspecting authority.

(h) "Existing facility" means a building, accessory buildings and surrounding grounds which is licensed or approved by the department as an institution at the time these rules take effect and which is not **unoccupied** for more than 90 days. Where an increase in capacity or change in use affects fire safety requirements, the facility shall comply with all applicable requirements prior to the increase or change in use.

(i) "Facility" means a building, and surrounding grounds including recreational areas owned, leased, or primarily rented by a child care organization for use as a small, large, or secure facility to house and sleep residents. "Facility" includes new, remodeled, converted, and small, large, secure, and existing facilities. Any portion of a facility not used by residents and not used as a required means of egress and which is separated from the rest of the facility by an approved fire barrier, and buildings used by the residents strictly for up and awake activities do ~~does~~ not need to meet these rules for fire safety. However, the right of the fire inspecting authority to inspect a nonuse area for hazardous use, or any building on the grounds that is used by the residents strictly for up and awake activities, is retained and directives relative to fire safety of ~~the nonuse~~ such area or building may be issued to assure the fire safety of ~~the~~ those use areas.

(j) "Fire alarm device" means an approved device capable of sounding an alarm. A fire alarm shall be specifically designated as such and shall not be used for any purpose other than sounding an alarm of fire or other emergency or for fire drills. The device shall be loud enough to be heard throughout the facility under normal conditions. A device may be a bell, a horn, a whistle, or any other device acceptable to the fire inspecting authority.

(k) "Fire alarm system" means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a panel, pull stations, and audible electric signal devices.

(l) "Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire tests established and conducted by approved testing laboratories.

(m) "Hazardous area" means those parts of a facility housing a flame-producing heating plant, incinerators, water heater, and kitchens and areas where combustible materials, flammable liquids, or gases are used or stored.

(n) "Large facility" means a building used to house more than 15 residents.

(o) "Means of egress and exit" means an unobstructed way of departure from any point in a building to safe open air outside at grade.

(p) "Newly constructed," "new construction," or "new facility" means a new structure or new addition to a facility after the effective date of these rules.

(q) "Non-ambulatory" means a resident, including a resident confined to a wheelchair, who is physically or mentally incapable of traversing a path to safety without the aid of another person. A path to safety includes the ascent and descent of any stairs or other approved means of egress from the building.

(r) "Remodeled" means changes in a facility that modify existing conditions and includes renovation and changes in the fire alarms, sprinkler systems, and hood suppression systems. Remodeled and affected areas of a child caring institution shall conform to the provisions of these rules for fire safety for remodeled and converted facilities. Unaffected areas of a facility are not required to conform to the required provisions for remodeled and converted facilities.

(s) "Secure facility" means a building used as a detention facility or a secure child caring institution. The building or portions of the building are used to keep residents in custody. Outside doors or individual sleeping rooms usually have locks which are secure from the inside. The locks are used in the usual course of operation. A secure facility shall meet the requirements for a large facility, regardless of the number of residents. A facility with an approved seclusion room is not a secure facility solely by virtue of having a seclusion room.

(t) "Small facility" means a building which houses at least 7 or more than 15 residents and which is not a secure facility.

(u) "Street floor" means the lowest story of a facility which is not a basement.

(v) "Story" means that part of a building between a floor and the floor or roof next above.

(w) "Substantially remodeled" means changes in a facility that result in the exposure or addition of structural joists or studs.

(x) "Wire glass" means glass which is not less than 1/4 inch thick; which is reinforced with wire mesh, No. 24 gauge or heavier with spacing not greater than 1 square inch; and which is installed in steel frames or, when approved, installed in wood frames or stops of hardwood material not less than 3/4 inch actual dimension and not more than 1,296 square inches per frame with no single dimension more than 54 inches in length.

R 400.4502 Applicability.

Rule 502. The rules in this part apply to all newly constructed, remodeled, converted, and existing facilities of an institution as indicated.

R 400.4504 Adoption by reference.

Rule 504. The department adopts the following fire safety codes and standards. These codes and standards are available for inspection and distribution to the public at cost at the Department of Human Services, 201 N. Washington Square, PO Box 30650, Lansing, Michigan 48909. Copies of the codes and standards may also be obtained from the appropriate agency, organization, or association listed below.

- (a) Standard E-84-07, "Standard Tests Method for Surface Burning Characteristics of Building Materials," 2014, American Society for Testing and Materials, 100 Bar Harbor Dr., West Conshohocken, PA 19428-2959, \$69.00.
- (b) Standard No. 13, "Standard for the Installation of Sprinkler Systems," 2013, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$95.00.
- (c) Standard No. 22, "Standard for Water Tanks for Private Fire Protection," 2013, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 -9101, \$46.50.
- (d) Standard No. 70, "National Electric Code," 2014, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269(-9101,) \$89.50.
- (e) Standard No. 72 "National Fire Alarm Code", 2013, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$80.10.
- (f) Standard No. 80, "Standard for Fire Doors and Other Opening Protectives," 2013, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$46.50.
- (g) Standard No. 82, "Standard on Incinerator and Waste and Linen Handling Systems and Equipment, Rubbish Handling," 2014, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 (9101,) \$42.00.
- (h) Standard No. 90A, "Installation of Air Conditioning and Ventilating Systems," 2015, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 (9101,) \$45.00.
- (i) Standard No. 96, "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations" 2014, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 – (9101,) \$42.00.
- (j) Standard No. 220, "Standard on Types of Building Construction," 2015, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 - (9101,) \$36.50.
- (k) Standard No. 255, "Standard Method of Test of Surface Burning Characteristics of Building Materials," 2006, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269 (9101,) \$36.50.
- (l) Standard 723, "Test for Surface Burning Characteristics of Building Materials" 2008, Underwriters Laboratories, Inc., 1414 Brook Dr., Downers Grove, Ill. 60513, \$631.00.
- (m) "Life Safety Code 101," 2015, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, 93.00.
- (n) Standard E-1590 13, "Standard Method for Fire Testing of Mattresses" American Society for Testing and Materials, 100 Bar Harbor Dr., West Conshohocken, PA 19428-2959, \$48.00.
- (o) Standard No. 10, "Standard for Portable Fire Extinguishers", 2013 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$46.50.
- (p) Standard No. 25, "Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems", 2014, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$54.50.
- (q) Standard No. 252, "Standard Methods of Fire Tests of Door Assemblies", 2012, National Fire Protection Association, 1 Batterymarch Park, Quincy Massachusetts 02269-9101, \$36.50.
- (r) Standard No. 257, "Standard on Fire Test for Window and Glass Block Assemblies", 2012, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$36.50.
- (s) Standard No. 261, "Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes", 2013 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$36.50.

(t) Standard No. 701 entitled “Standard Methods of Fire Tests for Flame Propagation of Textiles and Films,” 2010 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$36.50.

R 400.4505 Plans and specifications.

Rule 505. (1) Plans and specifications shall be submitted to the bureau of fire services for review and approval prior to any remodeling in an institution, or the construction or conversion of a structure for use as an institution.

(2) The plans shall comply with all of the following provisions:

(a) Show layout, room arrangements, construction materials to be used, and the location, size, and type of fixed equipment.

(b) For additions, show those portions, including existing exits, types of construction, and room occupancies, which may be affected by the addition.

(c) Be approved in writing by the bureau of fire services before construction begins.

(d) Bear the seal of a registered architect or engineer when the cost of the project, including labor and materials, exceeds \$15,000.

R 400.4510 Sleeping rooms.

Rule 510. (1) In new construction, remodeled or converted facilities, single sleeping rooms shall not be less than 70 square feet in size, exclusive of closet space. Multi-resident sleeping rooms shall not be less than 50 square feet per resident, exclusive of closet space.

(2) In new construction, remodeled or converted facilities, locked resident sleeping rooms shall be equipped with 2-way monitoring devices.

(3) All facilities with sleeping rooms above the second floor shall comply with the requirements of a secure facility, with the exception of R 400.4522(c).

(4) A facility shall not use a basement as a sleeping room.

R 400.4512 Combustible materials, decorations, furnishings, and bedding.

Rule 512. (1) A resident-occupied facility shall be kept free of all accumulation of combustible materials unnecessary for the immediate operation of the institution, unless materials are within an approved storage room.

(2) Easily ignited or rapidly burning combustible decorations are not permitted in a facility. Personal artwork and personal decorations made or owned by residents are permitted up to 20% of wall space in each room or use areas other than means of egress and hazardous areas if they have been treated with fire retardant materials approved by Underwriter’s Laboratory.

(3) Newly introduced upholstered furniture shall be tested in accordance and comply with the provisions of NFPA-261 unless located in an area having approved automatic sprinkler protection.

(4) Newly introduced mattresses shall be tested in accordance with ASTM E 1590 unless located in an area having approved automatic sprinkler protection.

R 400.4513 Rescinded

R 400.4515 Electrical installations.

Rule 515. (1) In a newly constructed, converted, or remodeled facility, the electrical wiring and equipment shall be installed in accordance with the provisions of the national fire protection association standard No. 70, entitled "National Electrical Code," 2014. A final electrical

certificate of approval for the electrical installation shall be obtained from a qualified local electrical inspecting authority or state electrical inspecting authority.

(2) In an existing facility, electrical wiring and equipment acceptable at the time these rules take effect shall continue to be approved until the facility or portion thereof is remodeled or converted. When an existing facility or portion thereof is remodeled or converted, only that portion remodeled or converted need comply with subrule (1) of this rule. Electrical services shall be maintained in a safe condition. When conditions indicate a need for inspection, the electrical services shall be inspected by a licensed electrical inspection service. A copy of the inspection report shall be maintained at the facility for review. Any areas cited in the report shall be corrected and a new electrical system inspection shall be obtained verifying that corrections have been made.

R 400.4517 Facility construction.

Rule 517. (1) A new, substantially remodeled or converted large or secure facility shall be 1 of the following types of construction as specified in the national fire protection association standard No. 220, entitled "Standard on Types of Building Construction, 2015:"

(a) Type I 442 or 332 or type II 222.

(b) Type II 111, type III 211, type IV 2HH.

(c) Type II 000, type III 200, or type V 000 up to 2 stories.

(2) New, converted, and substantially remodeled small facilities shall be at least frame construction and shall be fire-stopped at all wall and floor junctures and all wall and ceiling junctures with not less than 2-inch nominal lumber.

(3) Construction in existing licensed facilities that was approved before these rules take effect and which meets the construction requirements of the fire safety guidelines these rules supersede shall continue to be approved until the facility is substantially remodeled or converted. When an existing facility is substantially remodeled or added to, only the portion of the facility being substantially remodeled or added need comply with subrule (1) or (2) of this rule and R 400.4522, as appropriate.

R 400.4520 Interior finish.

Rule 520. (1) The following alphabetical classification of finished materials for flame spread and smoke development, as determined by the tunnel test in accordance with the national fire protection association, standard No. 255, 2006; American society of testing materials E-84-07, 2014, or underwriters laboratories standard No. 723, 2008, shall be used to determine interior finishes:

Class	Flame Spread	Smoke Developed
A	0 - 25	0 – 450
B	26 – 75	51 – 450
C	76 - 200	126 – 450

The same alphabetical classification is also used for combustibility of prefabricated acoustical tile units, only under federal test number SS-5-118a.

(2) Interior finish includes the plaster, wood, or other interior finish materials of walls; partitions, fixed or movable; ceiling; and other exposed interior surfaces of the facility, other than nominal wood trim.

(3) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used, without regard to subsequently applied paint or other coverings, except where such paint or other covering is of such a character or thickness

where applied so as to affect the material classification. Finishes such as lacquer, polyurethane-based materials, or unapproved wall coverings shall not be used.

(4) In a new constructed, remodeled, or converted facility, an interior finish classification shall be that of the basic material used, without regard to subsequently applied paint or other covering in an attempt to meet the classification.

(5) Interior finish materials in facilities shall be as follows:

(a) In small and large open facilities without a sprinkler system, class A or B in exit ways and class A in seclusion rooms. In all other areas, at least class C.

(b) In open facilities with a sprinkler system, at least class C throughout, except in a seclusion room.

(c) In secure facilities, class A throughout regardless of automatic sprinkler protection.

R 400.4522 Fire protection.

Rule 522. Fire protection shall be provided in all facilities as follows:

(a) In an existing licensed small facility, an attendant who is awake, fully dressed, and on duty 24 hours a day; complete sprinkler protection; or compliance with R 400.4523.

(b) In an existing licensed large facility, an attendant who is awake, fully dressed, and on duty 24 hours a day; complete sprinkler protection; or compliance with R 400.4524.

(c) In a secure facility, an attendant who is awake, fully dressed, and on duty 24 hours a day.

(d) In newly constructed facilities, conversions and additions shall be provided with automatic sprinkler protection in accordance with national fire protection pamphlet 13.

R 400.4523 Fire detection; small facilities.

Rule 523. (1) An existing licensed small facility electing to provide fire protection by fire detection shall be protected throughout by approved fire detection provided by at least battery-operated ionization fire detection devices installed in every sleeping room and all areas, except kitchen and bathrooms. The fire detection devices shall comply with all of the following requirements:

(a) Be listed and labeled by an independent, nationally recognized testing laboratory.

(b) Be installed and maintained in accordance with the manufacturer's and test specifications.

(c) Be cleaned and tested at least quarterly, with a written record maintained of the cleaning and testing.

(d) Be of a type that provides a signal when batteries are not providing sufficient power and when batteries are missing.

(2) Any battery-operated device required by subrule (1) of this rule which signals power is low or a battery is missing shall be immediately serviced and restored to full power. There shall be not less than a 10% supply of extra batteries maintained at the facility at all times for the total number of battery-operated devices in the facility.

(3) In small facilities, licensed prior to November 30, 1983, previously approved fire detection systems shall continue to be approved until the facility or portion thereof is remodeled or converted, then fire detection shall be at least as required by this rule for newly constructed, remodeled, or converted facilities in that portion of the facility remodeled or converted.

(4) Fire detection systems in existing licensed facilities shall be maintained in proper working order and shall be tested at least quarterly, with a written record maintained of the testing.

(5) All newly licensed small facilities shall be protected with a minimum 110 volt interconnected smoke detectors with battery backup.

R 400.4524 Fire detection; large facilities.

Rule 524. (1) An existing licensed large facility electing to provide fire protection by fire detection shall be equipped with a 100% coverage fire detection system which is tested and listed by a nationally recognized, independent testing laboratory and which is installed in compliance with the national fire protection association standard No. 72, entitled "National Fire Alarm Code", 2013 and these rules except that the installing of wiring and equipment shall comply with national fire protection association standard No. 70, entitled "National Electric Code," 2014.

(2) In an existing licensed large facility, the main power supply source for an automatic fire detection system shall be from an electric utility company and shall be on a separate circuit with an identified and locked circuit breaker. A secondary power supply shall be provided which, in the event of the main power supply failure, will maintain the system in an operative condition for 24 hours and, in the event of a fire, will sound the alarm signaling units for a 5-minute period.

(3) In an existing licensed large facility, where an automatic fire detection system is required, the detection devices shall comply with both of the following provisions:

(a) Be installed in all areas; that is, all rooms, lofts, closets, stairways, corridors, basements, attics, and like areas. Spacing of detection devices shall be as recommended by the manufacturer to provide complete coverage. Small bathrooms containing a single water closet and lavatory, small closets which are not more than 20 square feet, and similar spaces are exempted from this requirement.

(b) Be smoke detectors, except that heat detectors may be installed in attics, kitchens, bathrooms, attached garages, and heating plant rooms instead of smoke detectors. Heat detectors shall be the fixed temperature rate of rise type.

(4) In a new, remodeled, or converted large facility, an automatic fire detection system shall be an electrical, closed circuit, self-supervised system which gives a distinctive signal in a staff-occupied area when trouble occurs in the system, including loss of the main power supply and shall be in compliance with NFPA 72.

(5) In a new, remodeled, or converted large facility, complete final plans and specifications of the automatic fire detection or alarm system, where such a system is to be installed, shall be submitted to the department and approved prior to installation. The plan shall show facility floor plans and locations and types of detection devices, pull-stations, and sounding units. Newly required systems shall have a panel or annunciator located in an area regularly occupied by staff.

(6) In large facilities, licensed prior to November 30, 1983, fire detection systems shall continue to be approved until the facility is converted or a portion thereof is remodeled, then the portion of the facility remodeled or converted shall meet the appropriate requirements of this rule. Where the required new system cannot be added to the existing systems maintaining a single signaling alarm system, the total system shall be replaced and shall comply with this rule for remodeled and converted facilities.

(7) Automatic fire detection systems, fire alarm systems, and fire detection devices shall be maintained in proper working condition. When problems occur, they shall be immediately remedied. When the system is rendered inoperable, staff shall be awake and on duty until the system is again operable.

(8) Fire alarm systems shall be tested and maintained on an annual basis in accordance with NFPA 72. Smoke detector calibration shall be done as recommended. The licensee shall keep a record of fire alarm maintenance.

R 400.4527 Sprinkler systems.

Rule 527. (1) A sprinkler system in a new or converted facility or an addition, shall comply with the 2013 national fire protection association pamphlet No. 13, entitled "Standard for the Installation of Sprinkler Systems." Where there is no adequate water from a community water system to supply a sprinkler system and where the area to be protected does not exceed 20,000 square feet, a special pressure tank supply for sprinklers, as specified in the 2013 edition of national fire protection association standard No. 22, entitled "Standard for Water Tanks for Private Fire Protection," shall be provided.

(2) All required sprinkler systems shall be inspected and tested and all other maintenance performed as specified in the 2014 national fire protection association standard No. 25 entitled "Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems" at least once a year by a sprinkler contractor. The licensee shall maintain documentation of the last inspection and test.

(3) A sprinkler system in an existing facility approved before these rules take effect shall continue to be approved until the facility or portion thereof is remodeled, converted, or expanded. The system shall be maintained in accordance with the standards applicable at the time it was originally approved.

(4) When an existing facility is remodeled, converted, expanded or modified which results in the existing sprinkler system not providing adequate protection, fire protection shall be provided by extension of the current system where it is possible to extend the system and maintain its integrity or a new sprinkler system shall be installed in the affected area.

(5) The sprinkler piping for any isolated hazardous area which can be adequately protected by not more than 2 sprinklers may be connected directly to the domestic water system at a point where a minimum 1-inch supply is available. An approved automatic sprinkler control valve and check valve which is locked shall be installed between the sprinklers and the connection to the domestic water supply.

R 400.4532 Fire extinguishers.

Rule 532. (1) All required fire extinguishers shall be subjected to a maintenance check at least once a year. Each fire extinguisher shall have a tag or label attached indicating the month and year maintenance was performed and identifying the person or company performing the service, as specified by NFPA Standard 10.

(2) All required extinguishers shall be recharged after use.

(3) A minimum of 1 approved fire extinguisher shall be provided on each floor and in or immediately adjacent to kitchens, rooms housing combustion-type heating devices, and incinerators. Additional fire extinguishers may be required at the discretion of the fire safety inspector to assure that it is not necessary to travel more than 75 feet to a fire extinguisher.

(4) All fire extinguishers shall be located not less than 4 inches off the floor and the top of the extinguisher shall not be higher than 5 feet off the floor in a special cabinet or on a wall rack which is easily accessible at all times, unless programmatically contraindicated. Where programmatically contraindicated, the required extinguishers may be kept behind locked doors if both of the following conditions are met:

(a) The locations are clearly labeled "Fire Extinguisher."

(b) All staff carry keys to the doors.

(5) In new, remodeled, or converted facilities, a fire extinguisher shall be at least type 2-A-10BC.

(6) In existing small facilities, previously approved fire extinguishers other than type 2-A-10BC will continue to be approved if they are maintained in the area for which approved.

R 400.4535 Fire alarm.

Rule 535. (1) All new and converted large and secure facilities shall have a fire alarm with fire alarm pull-stations at each exit on each floor unless otherwise permitted by the following:

(a) Manual fire alarm boxes may be locked, provided that staff is present within the area when it is occupied and all staff have keys readily available to unlock the boxes.

(b) Manual fire alarm boxes may be permitted in a secure staff location, provided that both of the following criteria are met:

(i) The staff location is attended when the building is occupied.

(ii) The staff attendant has direct supervision of the sleeping area.

(2) Fire alarm systems shall be installed and in compliance with NFPA-72.

(3) All new and converted small facilities with resident sleeping on only 1 floor shall have at least a fire alarm device. All new and converted small facilities with sleeping on more than 1 floor shall have a fire alarm system with at least 1 pull-station on each level.

(4) Fire alarm systems and devices in existing facilities shall be maintained in proper working order and shall continue to be approved until the facility is remodeled or converted.

R 400.4538 Means of egress.

Rule 538. (1) Means of egress shall be considered the entire way and method of passage to free and safe ground outside a facility. All required means of egress shall be maintained in an unobstructed, easily traveled condition at all times.

(2) In an existing facility, each resident-occupied room shall have access to not less than 2 independent, properly separated, approved means of egress or have a doorway leading directly to the outside at grade.

(3) In existing licensed multistory secure and large facilities, at least 1 means of egress from each floor shall be direct to the outside or shall be through an enclosed stairway which is properly separated from exposure from floors below and which exits direct to the outside at grade or a previously approved escape window.

(4) In a small facility where ambulatory residents use a floor above the street level, 1 of the 2 required means of egress may be an approved escape window from each resident-occupied room which provides direct access to the ground and which has a sill height not more than 5 feet above the ground below or which provides access to an approved fire escape.

(5) In a newly constructed, remodeled, or converted facility, each resident-occupied story, including a resident-occupied basement, shall have not less than 2 independent approved means of egress separated by not less than 50% of the longest dimension of the story. All child-occupied rooms shall be situated between two approved exits unless the child-occupied room has an exit leading directly to the outside at grade. One adjacent intervening room shall be permitted between a sleeping room and an approved exit access corridor that leads to two approved exits in opposite or perpendicular directions.

(6) In a newly constructed, remodeled, or converted large or secure facility, additional means of egress, in addition to the minimum of 2 required from each story, are required if the maximum possible occupancy exceeds 100 residents per story. There shall be at least 1 additional means of egress for each 100 additional residents per story. Means of egress shall be of such number and so arranged that it is not necessary to travel more than 100 feet from the door of a resident-occupied room to reach the nearest approved protected exit-way from that story.

(7) An elevator shall not be approved as a required means of egress.

(8) A means of egress shall not be used for the housing of residents or storage of any kind and shall not be obstructed or hidden from view by ornamentation, curtains, or other appurtenances.

(9) Each required means of egress from floors where non-ambulatory residents are permitted shall discharge at grade or shall be equipped with a ramp which terminates at grade level. Ramps shall not exceed 1 foot of rise in 12 feet of run and shall have sturdy handrails. Once at grade, there shall be a surface sufficient to permit occupants to move a safe distance from the facility.

(10) In a small facility housing 1 or more non-ambulatory or wheelchair residents, required exit-ways forming part of a required means of egress from portions of the facility housing such residents shall be not less than 48 inches wide in a new facility and not less than 44 inches wide in a converted facility, with doors a minimum of 36 inches wide.

R 400.4540 Stairways, halls, and corridors.

Rule 540. (1) In existing and small facilities, all stairways and other vertical openings shall be enclosed with materials equal in fire resistance to the standard partition construction of the building, if such partition construction is at least standard lath and plaster. There shall be at least 1 3/4-inch solid core wood door with self-closing and latching hardware installed so that there is effective fire and smoke separation between floors or each sleeping room on the second floor shall be equipped with at least 1 1/4-inch solid core wood door with latching hardware.

(2) In all new and converted large and/or secure facilities, stairways and floor- to-floor openings shall be enclosed with materials having at least the fire-resistance rating specified by the national fire protection association standard No. 220, "Standard on Types of Building Construction", 2015, for the type of construction. All other vertical openings through floors shall be fire-stopped with like materials.

(3) Where a facility has 2 or fewer levels, where both levels exit at grade, and where elevations between levels do not exceed 4 feet, the building shall be considered to be 1 story and enclosures shall not be required between levels.

(4) In all new and converted facilities, stairs shall have treads and risers of uniform width and height, with treads not less than 11 inches deep, exclusive of nosing, and risers not more than 7 inches in height.

(5) Stairs in new, remodeled, and converted facilities shall change direction by use of an intermediate landing and not by a variance in the width of treads. A sturdy and securely fastened handrail located between 34 and 38 inches, measured vertically, above the nose of the treads shall be provided.

(6) Stairs in existing facilities approved before these rules take effect shall continue to be approved until the portion of the building encompassing the stairs is remodeled.

(7) An outside stairway or fire escape used as part of an approved means of egress shall be protected against fire in the building by blank or closed walls directly under such stairway and for a distance of 6 feet in all directions. Windows may be allowed within this area if they are stationary wire glass windows.

(8) In newly constructed small facilities, halls, corridors, aisles, and stairs used as part of a means of egress shall be not less than 44 inches wide and not less than 36 inches wide in converted small facilities, except as required by R 400.4538(10).

(9) In newly constructed and converted large and secure facilities, halls, corridors, and aisles used as part of an exit way shall be not less than 5 feet wide and 90 inches high, and stairs shall be not less than 4 feet wide.

R 400.4545 Seclusion room.

Rule 545. (1) A seclusion room shall be approved in writing for use as such by the fire inspecting authority and the licensing authority.

(2) A seclusion room shall be constructed to allow for both visual and auditory supervision of a resident in the room.

(3) A seclusion room shall have walls and ceiling made of noncombustible materials.

(4) A seclusion room may have 1 approved locking-against-egress device on the door if a staff person is immediately present and awake and is in possession of a key for the door locking device when the room is being used.

(5) The egress door in a seclusion room shall open in the direction of egress.

R 400.4546 Partition construction.

Rule 546. In new, remodeled, or converted large and secure facilities, rooms shall be separated from corridors used as means of egress with partition construction which extends to the floor or deck above and which affords at least a ¾-hour fire resistance rating. Doors shall be at least 1¾-inch solid wood core. Any glass in these partitions, including doors, shall be wired glass which is not more than 54 inches in any 1 lineal dimension and not more than a total of 1,296 square inches. Where glass breakage is a potential hazard, clear acrylic may be placed directly in contact with and between 2 layers of wired glass to give added strength. Glazing in compliance with national fire protection association pamphlet 257, 2007, and having the required fire resistant rating, may also be used in walls and in doors when tested in accordance with national fire protection association standard 252, 2012. This rule does not apply where the type of construction requires more restrictive separation.

R 400.4548 Large and secure facilities; lighting in means of egress.

Rule 548. (1) In large and secure facilities, all halls, stairways, and means of egress shall be constantly lighted. Approved exit signs shall be installed over each required exit. Exit directional signs shall be provided where exit signs are not readily visible in means of egress. In new and converted large and secure facilities, emergency light packs and exit lights shall be provided along the means of egress. These devices shall include an electric charging unit that will maintain the batteries fully charged.

(2) In new and converted multistory large ~~and~~ or multistory secure facilities, there shall be a system of emergency backup capable of maintaining required lighting for not less than 24 hours in the event of power failure.

R 400.4552 Heating devices and flame-producing devices.

Rule 552. (1) In large and secure facilities and all newly constructed and converted facilities, flame-producing-type heating devices and incinerators shall be in an enclosure providing at least 1-hour resistance to fire. Adequate combustion air shall be provided directly from the outside through a permanently open louver. Fire dampers are not required in ducts penetrating this enclosure.

(2) In existing small facilities, flame-producing-type heating devices and incinerators approved under the standards these rules replace shall continue to be approved with regard to enclosure or lack of enclosure until the portion of the facility containing the flame-producing device is remodeled or the facility is converted. This shall not preclude requirements relative to maintaining doors and other safety factors in proper working order.

(3) Electric heating shall be installed in accordance with the manufacturer's specifications and shall be approved by a nationally recognized, independent testing laboratory.

(4) Portable heaters and space heaters, including solid fuel heaters, are prohibited.

(5) A fireplace is permitted if it is masonry and has all of the following components:

(a) An approved glass door shielding the opening. The door shall be closed at all times except when a fire is being tended.

(b) A noncombustible hearth extending a minimum of 16 inches out from the front and 8 inches beyond each side of the fireplace opening.

(c) A noncombustible face extending not less than 12 inches above and 8 inches on each side of the fireplace opening.

(d) A masonry chimney constructed with approved flue liners.

(e) The chimney shall be visually inspected every other month while in use and cleaned as needed, but not less than once every 12 months.

(6) A heating plant room shall not be used for combustible storage or for a maintenance shop unless the room is provided with automatic sprinkler protection. Flammable liquids or gases shall not be stored in a heating plant room.

(7) A furnace and other flame-producing unit shall be installed according to manufacturer and test specifications and shall be vented by metal ducts to a chimney which is constructed of bricks, solid block masonry, or reinforced concrete, which has an approved flue lining, and is properly erected and maintained in a safe condition. A bracket chimney is not permitted. This rule does not prohibit the installation and use of any prefabricated chimney bearing the label of an approved, nationally recognized, independent testing laboratory if the chimney is installed and used in accordance with manufacturer and test specifications and is compatible with the heating unit or units connected to it. Only gas and oil-fired units may be connected to a prefabricated chimney.

(8) All furnaces shall be inspected on an annual basis by a licensed inspector. A copy of the inspection must be made available to the qualified fire inspector or the department's licensing authority upon request.

(9) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electro technical Laboratory), shall be placed on all levels approved for child care and in all furnace zones.

R 400.4554 Air-handling equipment.

Rule 554. (1) In newly constructed or converted large or secure facilities, air-conditioning, warm air heating, air cooling, and ventilating systems shall comply with the national fire protection association standard No. 90A, entitled "Installation of Air Conditioning and Ventilating Systems," 2002.

(2) In newly constructed or converted large or secure facilities, fans and air handling equipment used for re-circulating air in more than 1 room or single area shall have an approved automatic smoke detector located in the system at a suitable point in the return air duct ahead of the fresh air intake, the actuating of which shall open the electrical circuit supplying the fan motor and when an approved fire alarm system is installed, be connected to the fire alarm system in accordance with national fire protection association standard No. 72, 2013.

(3) In existing facilities, fans and air-handling equipment and systems approved in accordance with the standards these rules replace shall continue to be approved until the facility is converted. This shall not preclude requirements relative to maintaining the equipment, including thermostatic or other detection devices, and systems, in proper and safe working order.

(4) Fan rooms shall not be designed or used for any other use except housing other mechanical equipment.

R 400.4555 Smoke barriers.

Rule 555. (1) Smoke barriers with a 1-hour fire resistance rating shall be provided on each floor used for sleeping rooms for more than 24 residents and shall be so located as to form an area of refuge on either side that is served with an approved means of egress. The barriers shall be located as close as possible to the middle of the floor to be protected and shall extend from outside wall to outside wall and from the floor through any inter-stud spaces to the roof or floor structure above.

(2) Doors in the smoke barrier shall be at least 20-minute fire-rated door or 1 ¾ inch solid core flush door hung in labeled frames with self-closing devices. Where double doors without mullions are used, synchronizing hardware and astragals shall be installed and maintained regularly. For new construction, additions and conversions these doors shall be arranged so that each door swings in a direction opposite from the other.

(3) Doors in smoke barrier partition may be held open only by electric hold-open devices designed so that interruption of the electric current or actuation of the fire alarm, sprinkler system, or the heat or smoke detector will cause the release of the doors. The doors shall also be capable of being opened and closed manually.

R 400.4559 Combustible storage.

Rule 559. (1) In a new, remodeled, or converted large facility, hazardous areas and rooms for storage of combustible materials, including all janitor rooms and closets, linen rooms, shipping and receiving rooms, kitchens, kitchen storage rooms, and maintenance shops shall be separated from the remainder of the building by construction having at least a 1-hour fire resistance rating with a "B" rated door with an approved hydraulic closer.

(2) In an existing facility, combustible materials storage rooms and hazardous areas, including janitor rooms and closets, shipping and receiving rooms, kitchen storage rooms, and maintenance shops approved before these rules take effect, shall continue to be approved until the facility or portion thereof is remodeled or converted. All features of fire protection, including fire detection, automatic sprinkler protection, and required fire separations, shall be properly maintained.

R 400.4560 Cooking appliances.

Rule 560. (1) Cooking appliances shall be suitably installed in accordance with approved safety practices.

(2) Where metal hoods or canopies are provided over domestic cooking appliances, they shall be equipped with filters which shall be maintained in an efficient and clean condition.

(3) In a newly constructed, remodeled, or converted large and secure facility, where metal hoods or canopies are provided over commercial kitchen cooking appliances, they shall be designed and equipped in compliance with the national fire protection association standard No. 96, entitled "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations," 2014, and shall comply with all of the following requirements:

(a) Filters shall be maintained in an efficient and clean condition.

(b) Only vapor proof electrical wiring and equipment shall be permitted in hoods or canopies.

(c) Exhaust ducts from hoods shall be run to the outside by the shortest possible route. When exhaust ducts are run through open spaces between a ceiling and a floor or roof or through any floors above, the ducts shall be enclosed in horizontal or vertical shafts protected from the remainder of the building by construction which affords a 2-hour fire resistance rating.

(d) Fire extinguishment equipment for the hood and exhaust duct of a cooking appliance in a kitchen shall be in compliance with the national fire protection association standard No. 96, entitled "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations,".

(4) In an existing facility, metal hoods and canopies approved before these rules take effect shall continue to be approved until the facility or portion thereof which incorporates the kitchen is remodeled or converted. When the kitchen is remodeled or the facility is converted, hoods, canopies, and kitchen hood suppression systems for cooking appliances shall comply with the requirements of this rule for new construction. Filters in any hood or canopy in an existing facility shall be maintained in an efficient and clean condition.

R 400.4562 Rubbish handling and incinerators.

Rule 562. (1) In a newly constructed, remodeled, or converted large or secure facility, rubbish handling and incinerators shall be in accordance with the national fire protection association standard No. 82, entitled "Standard on Incinerators and Waste and Linen Handling Systems and Equipment", 2014 Rubbish chutes and refuse bins or rooms shall comply with the provision of this pamphlet for industrial-type incinerators. Approved 2-bushel or less gas incinerators may be placed in an approved furnace room and shall be equipped with approved automatic 100% shutoff controls, including a safety pilot. Feed doors shall be located in an enclosed room that is provided with automatic sprinkler protection or compartment separated from other parts of the building by walls, floor, and a ceiling having a fire-resistance rating of not less than 1 hour with openings to such rooms or compartments protected by approved B-labeled fire door assembly and fire door frames.

(2) In a newly constructed, remodeled, or converted large and/or secure facility, rubbish chutes shall extend not less than 4 feet above the roof and shall be covered by a metal skylight glazed with thin pane glass. A sprinkler head shall be installed at the top of rubbish chutes and within the chutes at alternate floor levels in buildings more than 2 stories in height. A rubbish chute shall empty into a separate room, closet, or bin constructed of materials having at least a 1-hour resistance to fire and protected with an automatic sprinkler system.

(3) In new construction, incinerator rooms shall have at least 1 wall on an outside wall not exposing a closed court.

(4) In an existing large or secure facility, rubbish handling and incinerators approved before these rules take effect shall continue to be approved until the facility is converted or the portion of the facility which includes the rubbish handling facilities or incinerators is remodeled.

R 400.4563 Laundries.

Rule 563. (1) In a newly constructed, remodeled, or converted large or secure facility with a laundry, the laundry shall comply with all of the following requirements:

- (a) Be located in a room constructed of materials that have a 1-hour fire resistance rating.
- (b) Have steam lines installed with a 1-inch clearance from combustibles.
- (c) Have dryer vents constructed of rigid metal vented directly to the exterior or through the roof. Lint traps shall be cleaned each time the dryer is used.

(d) Have 100% automatic and manual shutoff controls for gas appliances other than domestic laundry equipment, which need only have manual shutoff controls.

(e) Have adequate outside air for combustion where combustion-type equipment is used.

(2) In a newly constructed, remodeled, or converted facility, laundry chutes shall be in compliance with all of the following requirements:

(a) Be enclosed in shafts constructed of an assemblage of noncombustible materials having at least a 1-hour resistance to fire. If the shaft does not extend through the roof of the building, the top shall be covered with noncombustible material affording at least a 1-hour resistance to fire. There shall be no openings into the shaft other than those necessary to the intended use of the laundry chute. Feed doors shall be located in an enclosed room that is provided with automatic sprinkler protection or compartment separated from other parts of the building by walls, a floor, and a ceiling having a fire-resistance rating of not less than 1 hour with openings to such rooms or compartments protected by B-labeled fire doors and in labeled frames with self-closing, positive latching hardware.

(b) Have a sprinkler head installed at the top of the chutes and within the laundry chutes at alternate floor levels in buildings over 2 stories in heights.

(c) Empty into a separate room, closet, or bin constructed of materials having at least a 1-hour resistance to fire and protected by automatic sprinklers.

(d) Have an open vent at the top where the shaft extends through the roof of the building, a skylight which is glazed with ordinary glass and which is not less than 10% of the shaft area, or a window of ordinary glass which is not less than 10% of the shaft area and which is set into the side of the shaft with the sill of the window not less than 2 feet above the roof level and 10 feet from any property line or other exposure it faces.

(3) In an existing facility, laundry facilities and laundry chutes approved before these rules take effect shall continue to be approved until the facility is converted or the portion of the facility which includes the laundry facility or chute is remodeled.

R 400.4566 Garages.

Rule 566. (1) Garages located beneath, or attached to, a facility shall have walls, partitions, floors, and ceilings separating the garage space from the rest of the facility by construction with not less than a 1-hour fire resistance rating.

(2) In existing facilities, garages located beneath or attached to the facility approved before November 30, 1983 shall continue to be approved until the facility is converted or the portion of the facility containing the garage is remodeled.

R 400.4568 Assemblage area.

Rule 568. A resident use assemblage area in a newly constructed, remodeled, or converted facility, such as a recreation room, dining hall, or chapel, with an occupancy of 51 or more persons, as computed by the public assemblage regulations, shall be maintained and arranged in accordance with national life safety code standard 101, 2015, governing places of public assemblage. These rules may be obtained from the department. Each door from an assemblage area occupied by residents shall enter a corridor between exits or there shall be direct egress to the outside from each room. In an existing facility, assemblage areas approved before these rules take effect shall continue to be approved until the areas are remodeled or converted.

PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES

R 400.4601 Applicability.

Rule 601. The rules in this part apply to residential group homes.

R 400.4602 Definitions.

Rule 602. As used in this part:

(a) "Approved" means acceptable to the department and fire inspecting authority and in accordance with these rules. The department shall make the final approval based on recommendations from the fire inspecting authority.

(b) "Basement" means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for at least 50% of the perimeter of the story.

(c) "Combustible" means that any part of a material can ignite and burn when subjected to fire or excessive heat.

(d) "Conversion" or "converted" means a change, after the effective date of these rules, in the use of a facility or portion thereof from some previous use to that of a licensed or approved institution, or an increase in capacity from a residential group home facility to a small facility or a large facility or a change in a secure facility. A converted facility shall comply with these rules for fire safety for converted facilities.

(e) "Existing facility" means a building, accessory buildings and surrounding grounds which are licensed or approved by the department as an open institution for 6 or fewer residents at the time these rules take effect and which is not unoccupied or unlicensed for more than 90 consecutive days thereafter. Where an increase in capacity or change in use affects fire safety requirements, the facility shall comply with all applicable requirements prior to the increase or change in use.

(f) "Facility" means a building and surrounding grounds and recreational areas owned, leased, or primarily rented by a child care organization for use as a residential group home facility to house and sleep residents. "Facility" includes new, remodeled, converted, and existing facilities. Any portion of a facility not used by residents and not used as a required means of egress and which is separated from the rest of the facility by an approved fire barrier, and buildings used by the residents strictly for up and awake activities do not need to meet these rules for fire safety. However, the right of the fire inspecting authority to inspect a nonuse area for hazardous use, or any building on the grounds that is used by the residents strictly for up and awake activities, is retained and directives relative to fire safety of such area or building may be issued to assure the fire safety of the those use areas.

(g) "Fire alarm device" means an approved device capable of sounding an alarm. A fire alarm shall be specifically designated as such and shall not be used for any purpose other than sounding an alarm of fire or other emergency or for fire drills. The device shall be loud enough to be heard throughout the facility under normal conditions. A device may be a bell, a horn, a whistle, or any other device acceptable to the fire inspecting authority.

(h) "Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire tests established and conducted by approved testing laboratories.

(i) "Means of egress or exit" means an unobstructed way of departure from any point in a building to safe open air outside at grade.

(j) "Newly constructed," "new construction," or "new facility" means a structure or addition to a facility after the effective date of these rules.

(k) "Non-ambulatory" means a resident, including a resident confined to a wheelchair, who is physically or mentally incapable of traversing a path to safety without the aid of another person.

A path to safety includes the ascent and descent of any stairs or other approved means of egress from the building.

(l) "Remodeled" means changes in a facility that modify existing conditions and includes renovation. Remodeled and affected areas of an institution shall conform to these rules for fire safety for remodeled and converted facilities. Unaffected areas of a facility are not required to conform to the required provisions for remodeled and converted facilities.

(m) "Residential group home facility" means a building used to house not more than 6 residents and is not a secure facility.

(n) "Second story" means the story of a building above the highest story that has a means of egress that is not more than 4 feet to grade.

(o) "Street floor" means the lowest story of a facility that is not a basement.

(p) "Story" means that part of a building between a floor and the floor or roof next above.

R 400.4604 Adoption by reference.

Rule 604. The department adopts the fire safety codes and standards in this rule. These codes and standards are available for inspection and distribution to the public at cost at the Department of Human Services, 201 N. Washington Square, P.O. Box 30650, Lansing, Michigan 48909. Copies of the codes and standards may also be obtained from the appropriate agency, organization, or association listed below. The costs indicated are those in effect at the time these rules are promulgated. The codes and standards adopted are as follows:

(a) Standard No. 10, "Standard for Portable Fire Extinguishers". 2013 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$46.50.

(b) Standard No. 13D, "Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes", 2007 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$33.50.

(c) Standard No. 25, "Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection systems", 2014 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9109, \$54.50.

(d) Standard No. 70, "National Electric Code," 2014, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$89.50.

(e) Standard No. 72, "National Fire Alarm Code", 2013 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$80.10.

(f) Standard No. 80, "Standard for Fire Doors and Other Opening Protectives", 2013, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$46.50.

(g) Standard No. 261, "Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes", 2013 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$36.50.

(h) Standard No. 255, "Standard Method of Test of Surface Burning Characteristics of Building Materials", 2006, National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$36.50.

(i) Standard No. 701, "Standard Methods of Fire Tests for Flame Propagation of Textiles and Films", 2010 National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, \$36.50.

(j) Standard E-1590 2002, "Standard Method for Fire Testing of Mattresses" American Society for Testing and Materials, 100 Bar Harbor Dr., West Conshohocken, PA, 19428-2959.

R 400.4605 Plan review.

Rule 605. (1) Plans and specifications shall be submitted to the bureau of fire services for review and approval prior to any remodeling in a residential group home or the construction or conversion of a residential group home.

(2) The plans shall comply with all of the following provisions:

(a) Show layout, room arrangements, construction materials to be used, and the location size, and type of fixed equipment.

(b) For additions, show those portions, including existing exits, types of construction, and room occupancies, which may be affected by the addition.

(3) The plans shall be approved in writing by the bureau of fire services before construction begins.

(4) The plans for residential group homes for not more than 6 residents do not require the seal of a registered architect or engineer.

R 400.4612 Combustible materials, decorations, furnishings, and bedding.

Rule 612. (1) A residential group home facility shall be kept free of all accumulation of combustible materials other than those necessary for the daily operation of the residential group home.

(2) Easily ignited or rapidly burning combustible decorations are not permitted in a facility. Personal artwork and personal decorations made or owned by residents are permitted up to 6 square feet of wall space in each room or area other than means of egress or hazardous areas.

(3) Newly introduced upholstered furniture shall be tested in accordance with and comply with NFPA-261 unless located in an area having automatic sprinkler protection.

(4) Newly introduced mattresses shall be tested in accordance with ASTM E 1590 unless located in an area having automatic sprinkler protection.

R 400.4618 Locked seclusion room; prohibition.

Rule 618. A locked seclusion room is not permitted in a residential group home facility.

R 400.4620 Interior finish.

Rule 620. (1) The following alphabetical classification of finished materials for flame spread and smoke development, as determined by the tunnel test in accordance with the national fire protection association, standard No. 255, 2006; American society of testing materials E-84-77A, 2014; or Underwriters Laboratories standard No. 723, 2008, shall be used to determine interior finishes:

Class	Flame Spread	Smoke Developed
A	0 - 25	0 - 450
B	26 - 75	51 - 450
C	76 - 200	126 - 450

The same alphabetical classification is used for combustibility of prefabricated acoustical tile units, only under federal specifications test No. SS-5-118a.

(2) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used, without regard to subsequently applied paint or other coverings, except where such paint or other covering is of such a character or thickness where applied to affect the material classification. Finishes such as lacquer, polyurethane-based materials, or unapproved wall coverings shall not be used.

(3) In a newly constructed, remodeled, or converted residential group home, an interior finish classification shall be that of the basic material used, without regard to subsequently applied paint or other covering in an attempt to meet the classification.

(4) Interior finishes and materials shall be at least class C throughout.

R 400.4621 Automatic sprinkler protection.

Rule 621. All newly constructed residential group homes shall be provided with automatic sprinkler protection in accordance with the requirements of NFPA-13D. Sprinkler systems shall be inspected, tested, and maintained in accordance with NFPA 25.

R 400.4623 Smoke detection equipment.

Rule 623. (1) Newly constructed or licensed residential group homes shall be protected by interconnected smoke detectors in accordance with NFPA 72.

(2) A residential group home facility shall be protected by at least battery-operated smoke detection devices installed in all of the following areas:

(a) Between sleeping areas and the other areas of the facility.

(b) At the top of all interior stairways.

(c) In the immediate vicinity of combustion-type heating and incinerating devices, where such devices are not in an enclosure providing at least 1-hour resistance to fire. Where such devices are in enclosures which provide at least 1-hour resistance to fire, a fire detection device shall be immediately outside of the enclosure.

(d) At least 1 on every floor.

(3) Fire detection devices shall comply with all of the following requirements:

(a) Be listed or labeled by an independent, nationally recognized testing laboratory.

(b) Be installed and maintained in accordance with the manufacturer's and test specifications.

(c) Be cleaned and tested at least quarterly.

(d) Have the batteries replaced at least annually.

(e) Be of a type that provides a signal when batteries are not providing sufficient power and where batteries are missing.

(4) Any device required by this rule which signals that power is low or a battery is missing shall be immediately serviced and restored to full power.

(5) A written record shall be maintained in the facility of quarterly cleanings and testing of devices and of annual battery replacements.

(6) Fire detection systems in an existing residential group home facility, approved before November 30, 1983 shall continue to be approved. All fire detection systems in residential group homes shall be maintained in proper working order.

R 400.4632 Fire extinguishers.

Rule 632. (1) All required fire extinguishers shall be subjected to a maintenance check at least once a year. Each fire extinguisher shall have a tag or label attached indicating the month and year maintenance was performed and identifying the person or company performing the service.

(2) All required extinguishers shall be recharged after use.

(3) A minimum of 1 approved fire extinguisher shall be provided on each floor.

(4) All fire extinguishers shall be at least 4 inches off the floor and the top of the extinguisher shall be less than 5 feet off the floor in a special cabinet or on a wall rack which is easily accessible at all times, unless programmatically contraindicated. Where programmatically

contraindicated, the required extinguishers may be kept behind locked doors if all staff carry keys to the doors.

(5) In new, remodeled, or converted facilities, a fire extinguisher shall be at least a type 2-A-10BC.

(6) In existing facilities licensed prior to November 30, 1983, previously approved fire extinguishers other than a 2-A-10BC type will continue to be approved if they are maintained in the area for which they are approved.

R 400.4635 Fire alarm systems.

Rule 635. A residential group home facility shall be equipped with a fire alarm device. The device shall be used only to sound an alarm of fire, for practice fire drills, and other emergencies requiring evacuation of the facility.

R 400.4638 Means of egress.

Rule 638. (1) Means of egress shall be considered the entire way and method of passage to free and safe ground outside a facility. All required means of egress shall be maintained in unobstructed, easily traveled condition at all times.

(2) There shall be not less than 2 means of egress from the street floor story. At least 1 of the 2 means of egress shall be through a side-hinged door. The door shall be a minimum of 30 inches wide, except as provided in R 400.4639. The second means of egress may be a sliding glass door.

(3) A second story shall only be used by ambulatory residents and shall comply with 1 of the following requirements:

(a) Two open stairways separated by not less than 50% of the longest dimension of the story.

(b) One open interior stairway and 1 exterior stairway or fire escape separated by not less than 50% of the longest dimension of the story. An exterior stairway or fire escape does not require protection from fire in the building. An exterior stairway or fire escape shall be constructed of not less than 2-inch nominal lumber and be in good repair.

(c) One interior stairway and all floors separated by materials which afford at least a 3/4-hour fire resistance rating. The doors separating floors shall be at least 1 3/4-inch solid wood core and shall be equipped with positive latching hardware and approved self-closing devices. Each sleeping room on the second story shall have a window of not less than 5 square feet with no dimension less than 22 inches to allow for emergency rescue.

(4) A basement used by residents requires 1 means of egress which may be a stairway. The stairway may be an open stairway, except as required by subrule (3)(c) of this rule.

R 400.4640 Stairs.

Rule 640. (1) In new and converted facilities, stairs shall have treads of uniform width and risers of uniform heights. In converted facilities, treads shall be not less than 9 1/2 inches deep, exclusive of nosing, and risers shall be not more than 7 3/4 inches in height. In newly constructed facilities, treads shall be not less than 11 inches deep, exclusive of nosing, and risers shall be not more than 7 inches in height.

(2) Stairs in an existing facility approved before these rules take effect shall continue to be approved until the portion of the building encompassing the stairs is remodeled.

R 400.4652 Heating devices and flame-producing devices.

Rule 652. (1) Flame-producing-type heating devices and incinerator devices on any story used by residents shall be in an enclosure that provides at least 1-hour resistance to fire. Any interior

door to the enclosure shall be of at least a B-labeled fire door in a labeled frame equipped with latching hardware and a self-closing device. Adequate combustion air shall be provided to the enclosure directly from the outside through a permanently opened louver or continuous ducts. Fire dampers are not required in ducts penetrating this enclosure.

(2) Where flame-producing-type heating devices or incinerator devices are located on a story not used by residents, there shall be a separation between the story or stories containing such devices and resident-used stories such that at least a 3/4-hour resistance to fire is provided. Any interior stairway to such a nonresident-used story shall have at least a 1¾ inch solid wood core door which is equipped with latching hardware and a self-closing device separating the non-resident-used story from resident-used stories.

(3) Electric heating shall be installed in accordance with the manufacturer's specifications and shall be of a type approved by a nationally recognized, independent testing laboratory.

(4) Portable heaters and space heaters, including solid fuel heaters, are prohibited.

(5) A fireplace is permitted if it is masonry and has all of the following components:

(a) An approved glass door shielding the opening. The door shall be closed at all times except when a fire is being tended.

(b) A noncombustible hearth extending a minimum of 16 inches out from the front and 8 inches beyond each side of the fireplace opening.

(c) A noncombustible face extending not less than 12 inches above and 8 inches on each side of the fireplace opening.

(d) A masonry chimney constructed with approved flue liners.

(e) The chimney shall be visually inspected every other month while in use and cleaned as needed, but at least once every 12 months.

(6) A heating plant room shall not be used for combustible storage or for a maintenance shop unless the room is provided with automatic sprinkler protection.

(7) A furnace and other flame-producing unit shall be installed according to manufacturer and test specifications and shall be vented by metal ducts to a chimney which is constructed of bricks, solid block masonry, or reinforced concrete which has an approved flue lining and is properly erected and maintained in safe condition. A bracket chimney is not permitted. This rule does not prohibit the installation and use of any prefabricated chimney bearing the label of an approved, nationally recognized, independent testing laboratory if it is installed in accordance with manufacturer and test specifications and is compatible with the heating unit or units connected to it. Only gas and oil-fired units may be connected to a prefabricated chimney.

(8) All furnaces shall be inspected on an annual basis by a licensed inspector. A copy of the inspection must be made available to the qualified fire inspector or the department's licensing authority upon request.

R 400.4657 Storage rooms.

Rule 657. Storage rooms larger than 100 square feet used for the storage of combustible materials shall be separated from the remainder of the facility by construction with at least a 1-hour fire resistance rating and interior door openings protected with minimum B-labeled fire door and frame assemblies that has approved self-closing, latching hardware.

R 400.4666 Garages.

Rule 666. (1) Garages located beneath a residential group home facility shall have walls, partitions, floors, and ceilings separating the garage from the rest of the facility by construction

with not less than a 1-hour fire resistance rating with connecting door openings protected with B-labeled fire door and frame assemblies.

(2) Garages attached to a facility shall be separated from the rest of the facility by construction with not less than a 1-hour fire resistance rating with connecting door openings protected with B-labeled fire door and frame assemblies that has approved self-closing, latching hardware.

ADMINISTRATIVE RULES

DEPARTMENT OF COMMUNITY HEALTH

DIVISION OF FAMILY AND COMMUNITY HEALTH

BLOOD LEAD ANALYSIS REPORTING

Filed with the Secretary of State on May 7, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of community health by 1978 PA 368, MCL 333.5111(1) and (2)(f), 333.5474(1)(c), and 333.20531; 1978 PA 312, MCL 325.72(a)(i), MCL 325.78; and Executive Reorganization Order No. 1996-1, MCL 330.3101)

R 325.9087 of the Michigan Administrative Code is rescinded, and R 325.9081, R 325.9082, R 325.9083, R 325.9084, R 325.9085, and R 325.9086 of the Code are amended as follows:

R 325.9081 Definitions.

Rule 1. (1) As used in these rules:

- (a) "department" means the department of community health.
 - (b) "Physician/provider" means a licensed professional who provides health care services and who is authorized to request the analysis of blood specimens. For this purpose, provider may also mean the local health department.
 - (c) "Portable blood lead analyzer" means a point-of-care blood lead testing instrument or similar device used to test blood lead levels.
 - (d) "User" means a physician/provider, local health department, Head Start agency, community action agency, and other agencies or individuals who utilize portable blood lead analyzers.
- (2) The term "local health department," as defined in section 1105, 1978 PA 368, MCL 333.1105, has the same meaning when used in these rules.

R 325.9082 Reportable information.

Rule 2. (1) Reportable information pertains to the analysis of blood samples submitted to clinical laboratories and the results from portable blood lead analyzers.

(2) Upon initiating a request for blood lead analysis, the physician/provider or user ordering the blood lead analysis shall collect the following information:

- (a) All of the following information with respect to the individual tested:
 - (i) Name.
 - (ii) Sex
 - (iii) The individual's ethnicity including either of the following:
 - (a) Hispanic or Latino/Latina.
 - (b) Not Hispanic or Latino/Latina.
 - (iv) The individual's race, noting the following:

- (a) American Indian or Alaska Native.
- (b) Asian.
- (c) Black or African American.
- (d) Native Hawaiian or Other Pacific Islander.
- (e) White or Caucasian.
- (v) Birthdate.
- (vi) Address, including county, and, to the extent available, whether the residence or property is owned or rented.
- (vii) Telephone number.
- (viii) Social security number and Medicaid number, if applicable.
- (ix) If the individual is a minor, the name of a parent or guardian.
- (x) If the individual is an adult, the name of his or her employer.
- (xi) A secondary contact for the individual tested or, if the individual is a minor, a secondary contact for the individual's parent or guardian, including, to the extent available, name and phone number of the secondary contact.
- (b) The date of the sample collection.
- (c) The type of sample (capillary or venous).
- (d) The physician's/provider's or user's name, name of practice (if applicable), telephone number, fax number, email address, and mailing address.
- (3) The information collected in subrule (2) of this rule shall be submitted with the sample for analysis to a clinical laboratory that performs blood lead analysis or a user of a portable blood lead analyzer.
- (4) Upon receipt of the blood sample for lead analysis, the clinical laboratory or user of a portable blood lead analyzer shall collect the following additional information:
 - (a) The name, address, and phone number of the laboratory or testing entity.
 - (b) The date of analysis.
 - (c) The specimen number.
 - (d) The results of the blood lead analysis in micrograms of lead per deciliter of whole blood rounded to the nearest whole number.

R 325.9083 Reporting responsibilities.

Rule 3. (1) All clinical laboratories and users of portable blood lead analyzers doing business in this state that analyze blood samples for lead shall report all blood lead results, rounded to the nearest whole number, for adults and children to the department electronically consistent with R 325.9084. If a result and required reportable information under R 325.9082 cannot be reported electronically within the time frame specified by this rule, then the results shall be submitted to the Michigan Department of Community Health, Childhood Lead Poisoning Prevention Program (CLPPP), 109 W. Michigan Avenue, Lansing, MI 48909 or (517) 335-8509 (facsimile). Reports shall be made to the department within 5 working days after test completion. Nothing in these rules shall prevent a person or entity required to report under these rules from reporting results to the department sooner than 5 working days.

(2) Nothing in this rule shall be construed to relieve a clinical laboratory or a user of a portable blood lead analyzer from reporting results of a blood lead analysis to the physician or other health care provider who ordered the test or to any other entity as required by state, federal, or local statutes or regulations or in accordance with accepted standard of practice, except that reporting in compliance with this rule satisfies the blood lead reporting requirements of 1978 PA 368, MCL 333.1101 to 333.25211.

R 325.9084 Electronic communications.

Rule 4. (1) A clinical laboratory or user of a portable blood lead analyzer shall submit the data required in R 325.9082 and R 325.9083 electronically to the department.

(2) For electronic reporting, upon mutual agreement between the reporting clinical laboratory or user of a portable blood lead analyzer and the department, the reporting shall utilize the data format specifications provided by the department.

R 325.9085 Quality assurance.

Rule 5. For purposes of assuring the quality of submitted data, each clinical laboratory or user of a portable blood lead analyzer shall allow the department to inspect copies of the medical records that will be submitted by the clinical laboratory or user of a portable blood lead analyzer to verify the accuracy of the submitted data. Only the portion of the medical record that pertains to the blood lead testing shall be submitted. The department shall protect the medical records submitted using reasonably appropriate privacy and security safeguards regardless of whether the medical records are received by the department in electronic or hard copy form. After verification of submitted data, the department shall promptly destroy the copies of the medical records.

R 325.9086 Confidentiality of reports.

Rule 6. (1) Except as provided in subrule (2) of this rule, the department shall maintain the confidentiality of all reports of blood lead tests submitted to the department and shall not release reports or information that may be used to directly link the information to a particular individual.

(2) The department may release reports or information, otherwise protected under subrule (1) of this rule, under any of the following conditions:

(a) If the department has received written consent from the individual, or from the individual's parent or legal guardian, requesting the release of information.

(b) If necessary for law enforcement investigation or prosecution of a property manager, housing commission, or owner of a rental unit under section 5475a, 2004 PA 434, MCL 333.5475a.

(c) If the director of the department determines that release is crucial to protect the public health against imminent threat or danger.

(d) As necessary for the department to carry out its duties under 1978 PA 368, MCL 333.1101 to 333.25211.

(e) If necessary for the purpose of research designed to develop or contribute to generalizable knowledge, with documented approval by the department's institutional review board.

(f) If necessary for the purpose of public health activities designed to prevent lead poisoning within a community.

(3) Medical and epidemiological information that is released to a legislative body shall not contain information that identifies a specific individual. Aggregate epidemiological information concerning the public health that is released to the public for informational purposes only shall not contain information that identifies a specific individual.

R 325.9087 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF HUMAN SERVICES

FAMILY PROGRAM POLICY ADMINISTRATION

STATE EMERGENCY RELIEF PROGRAM

Filed with the Secretary of State on May 7, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under Section-33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these subsections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of human services by sections 6 and 14 of 1939 PA 280, MCL 400.6 and MCL 400.14.)

R 400.7025 and R 400.7028 are rescinded, R 400.400.7001, R 400.7002, R 400.7003, R 400.7004, R400.7006, R 400.7007, R 400.7008, R 400.7009, R400.7010, R400.7011, R400.7012, R400.7013, R 400.7014, R 400.7015, R 400.7016, R 400.7017, R 400.7018, R 400.7019, R 400.7020, R 400.7021, R 400.7022, R 400.7024, R 400.7026, R 400.7027, R 400.7029, R 400.7030, R 400.7031, R 400.7032, R 400.7033 and R 400.7034 are amended as follows:

R 400.7001 Definitions; A.

Rule 1. As used in these rules:

(a) "Adult" means either of the following:

(i) A person who is 21 years of age or older.

(ii) A person who is less than 21 years of age and who is not a dependent child.

(b) "Adult burial without services allowance" means the maximum amount that may be approved for the burial or cremation of an adult or of a child who is 1 month of age or older if family services are not provided.

(c) "Adult burial with services allowance" means the maximum amount that may be approved for the burial or cremation of an adult or of a child who is 1 month of age or older if family services are provided.

(d) "Affordable housing" means that the total housing obligation is equal to or less than 75% of the State Emergency Relief (SER) group's net countable income. The basic 75% may be increased by the following percentages if heat, electricity, or water/cooking gas is included in the rent:

(i) Heat included adds 15% to the basic 75%.

(ii) Electricity included adds 5% to the basic 75%.

(iii) Water or cooking gas, or both, included adds 5% to the basic 75%.

(e) "Applicant" means a person who has applied for the SER program or on whose behalf an authorized representative has made application for the SER program.

(f) "Application" means a statement, on a form or an online application prescribed by the department, that the client wishes to receive SER which is signed and dated by the applicant or by a person who acts on the applicant's behalf and which is received by the department.

(g) "Asset" means a real or personal, tangible or intangible resource that a client owns or possesses, in that the client has a legal interest, and that the client has the legal ability to use or dispose of.

(h) "Authorization" or "30-day eligibility period" means the 30-day period immediately following the date of the application.

(i) "Authorized representative" or "a person who acts on the applicant's behalf" means a person who applies or provides eligibility information on behalf of a client.

R 400.7002 Definitions; C, D.

Rule 2. As used in these rules:

(a) "Cash assets" means any of the following:

(i) Currency and coins.

(ii) Amounts on deposit in banks, savings and loan associations, credit unions, and other financial institutions.

(iii) Uncashed checks, drafts, and warrants.

(iv) Traveler's checks.

(v) Stocks, bonds, and other investments, including negotiable instruments.

(vi) Individual retirement accounts.

(vii) Keogh plans.

(viii) Revocable prearranged funeral contracts.

(ix) Nonrecurring lump-sum payments that do not represent an accumulation of monthly benefits.

(b) "Client" means an applicant for, or recipient of, SER and includes all members of the SER group.

(c) "Department" means the state department of human services.

(d) "Dependent child" means a person who is under the age of 21 and who is living with any of the following:

(i) A parent.

(ii) An adult relative.

(iii) An unrelated adult who functions as a parent.

(e) "Director" means the director of the department.

(f) "Divestment" means the disposition of an asset without receiving its market value with the intent of becoming or remaining eligible for, or increasing the amount of, emergency relief or with the intent of avoiding making reimbursement of emergency relief received.

(g) "Dwelling unit" means a shelter, such as a house, apartment, or mobile home.

R 400.7003 Definitions; E, F.

Rule 3. As used in these rules:

(a) "Earned income" means cash that is received by a person for activities he or she engages in as a self-employed person or as an employee, from renting property, or from providing room and board.

(b) "Electricity fiscal year cap" means the maximum amount that may be approved for electricity during a fiscal year.

(c) "Electricity required payment amount" means the amount that a SER group must have paid toward its household electric obligation during each month of the 6-month period before the month in which the SER group applies for energy assistance as a condition of eligibility for emergency relief for energy.

(d) "Emergency" means a situation in which immediate action is necessary to prevent serious harm or hardship.

(e) "Emergency relief" means relief that is paid under the SER program.

(f) "Equity" means the current market value of an asset minus any liens and indebtedness on the asset and minus the reasonable expenses that are necessary to liquidate the asset.

(g) "Federally funded home repairs allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for energy-related home repairs that are wholly funded with federal funds.

R 400.7004 Definitions; H.

Rule 4. As used in these rules:

(a) "Heating fuel fiscal year cap" means the maximum amount that may be approved for heating fuel during a fiscal year.

(b) "Heating fuel required payment amount" means the amount that a SER group must have paid toward its heating fuel obligation during each month of the 6-month period before the month in which the SER group applies for energy assistance as a condition of eligibility for emergency relief for energy.

(c) "Homeless" means that there is no housing to which the relief SER group can return. The term applies to all of the following groups:

(i) Groups in emergency shelters.

(ii) Groups sleeping in cars or on the streets.

(iii) Groups living temporarily with others due to a fire or natural disaster that occurred within 60 days before application.

(d) "Home ownership services allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for any or all of the following services:

(i) Mortgage, land contract payments, or mobile home sales contracts, including principal and interest, legal fees, and escrows for taxes and insurance.

(ii) Property taxes and fees.

(iii) House insurance premiums that are required under the terms of a mortgage or land contract.

(iv) Mobile home lot rental.

(e) "Home repairs" means repairs that are necessary to make a home safe for occupancy or that are required by a rule, regulation, or ordinance of a governmental agency or mobile home park. The term includes repairs to any of the following with respect to a house or mobile home:

(i) The basic structure.

(ii) The plumbing system.

(iii) The water supply system.

(iv) The electrical system.

(v) The waste disposal system.

(vi) The heating system.

(f) "Homestead" means a structure that is occupied as a home and is owned, being purchased or held by a life estate. The term includes buildings on leased land, mobile homes, and adjoining land. A SER group may have only 1 exempt homestead at a time.

(g) "Household furniture allowance" means the maximum amount that may be approved per issuance for furniture.

R 400.7006 Definitions; R.

Rule 6. As used in these rules:

(a) "Relocation fiscal year cap" means the maximum amount that may be approved for relocation during a fiscal year.

(b) "Required payment amount" means a payment by the client of his or her obligation for any of the following in an amount specified in these rules:

(i) Rent.

(ii) The purchase of a home.

(iii) Mandatory house insurance premiums required under the terms of a mortgage or land contract.

(iv) Heating fuel.

(v) Electricity.

(vi) Water or cooking fuel, or both.

(vii) Utility deposit.

(c) "Resource" means income or assets that are owned by, and are under the control of; a client and that may be used to achieve a level of subsistence.

R 400.7007 Definitions; S to W.

Rule 7. As used in these rules:

(a) "State-funded home repairs allowance" means the maximum cumulative amount that may be approved during the lifetime of the client for home repairs that are wholly or partially funded with state funds.

(b) "SER group" means all persons who live together in the same dwelling unit except for the following entities:

(i) Renters who live in the same dwelling unit and who pay a fair market rent to the SER group.

(ii) Landlords who live in the same dwelling unit if the SER group pays the landlord fair market rent to live in the home.

(iii) Any person who claims and verifies that he or she will not be adversely affected by the emergency situation for which the SER group is requesting SER and will not benefit if the SER group's application is approved.

(c) "State Emergency Relief Program" or "SER program" assists individuals and families who meet the established eligibility criteria with safe, decent, affordable housing and other essential needs when an emergency situation arises that may result in serious harm to individuals and families.

(d) "Total housing obligation" means the total monthly amount the SER group must pay for all of the following:

(i) Rent.

(ii) House payment.

(iii) Mobile home lot rent.

(iv) Property taxes.

(v) Required insurance premiums.

(e) "Unearned income" means any income, other than earned income, and includes all of the following:

(i) Money received in the form of public assistance.

- (ii) Pensions.
- (iii) Benefits.
- (iv) Interest.
- (v) Dividends.
- (vi) Support.
- (vii) Compensation.

(f) "Utility deposit cap" means the maximum amount that may be approved for a utility deposit.

(g) "Verification" means documentation or collateral proof that is used to confirm the validity of a relief group's reported circumstances.

(h) "Water or cooking gas, or both, fiscal year cap" means the maximum amount that may be approved for water or cooking gas, or both, during a fiscal year.

(i) "Water or cooking gas, or both, required payment amount" means the amount that a relief group must have paid toward its obligations for water or cooking gas, or both, during each month of the 6-month period before the month in which the SER group applies for water or cooking gas, or both, assistance as a condition of eligibility for emergency relief for water or cooking gas, or both.

R 400.7008 Application; completing required forms and providing relevant documentation to department; eligibility determination based on conditions and resources existing during emergency period; request for emergency relief after authorization period.

Rule 8. (1) Any person may apply for the SER program for himself or herself and the SER group of which he or she is a member or as an authorized representative of another person or persons. The right to apply shall not be limited or denied due to any of the following:

- (a) Age.
- (b) Race.
- (c) Nationality.
- (d) Ethnic background.
- (e) Sex.
- (f) Political opinions.
- (g) Religious beliefs.
- (h) Physical or mental handicaps.
- (i) Marital status.

(2) All members of the SER group shall be listed on the application form.

(3) An application is considered completed when all of the following provisions have been complied with:

- (a) The application form prescribed by the department has been filled out.
- (b) The application has been signed by the applicant or by the applicant's authorized representative.
- (c) The application has been received by the department.

(4) To assist the department in determining eligibility for emergency relief, a client shall complete forms that are required by the department or that provide information needed for the completion of such forms. When required by the department, a completed form shall include signatures of all adult members of the SER group.

(5) A client shall cooperate in the eligibility determination process by providing any available documentation requested by the department regarding to any of the following matters:

- (a) Identity.

- (b) The existence and nature of the emergency.
 - (c) Income.
 - (d) Assets.
 - (e) Social security number.
 - (f) The cost of resolving the emergency.
 - (g) Liability for shelter, heat, non-heat electric and utility costs.
 - (h) The amount of shelter costs.
 - (i) Payment by the relief group of a required payment amount that is established by these rules as a condition of eligibility for relief.
- (6) Eligibility shall be determined on the basis of conditions and resources as they exist during the emergency period. If emergency relief is requested after the end of the authorization period, a new application and determination of eligibility are required.

R 400.7009 Verification of information.

Rule 9. (1) All of the following items shall be verified:

- (a) The existence of an emergency.
 - (b) The sources and amounts of income and the dates received.
 - (c) The identity of the client.
 - (d) The cost of resolving the emergency.
 - (e) The ownership and market value of assets.
 - (f) Payment by the SER group of a required payment amount that is established by these rules as a condition of eligibility for relief.
- (2) Failure on the part of the client to cooperate in obtaining proof of eligibility shall be reason to deny relief.
- (3) If verification of the information specified in subrule (1) of this rule cannot be obtained after the client has made reasonable efforts to obtain it, the department may waive verification and base the determination of eligibility on the best available evidence.

R 400.7010 General requirements for relief.

Rule 10. Relief shall not be granted until all of the following requirements are satisfied:

- (a) An application has been completed.
- (b) A face-to-face interview has been conducted by an employee of the department with an adult member of the SER group, if required by the department.
- (c) The application is signed. The department may require the application to be signed in the presence of a department worker and be witnessed by the worker.
- (d) Information and verification that are required by the department have been obtained.

R 400.7011 Determination of eligibility within 10 business days required.

Rule 11. Eligibility for the SER program shall be determined within 10 business days from the date the application is completed.

R 400.7012 Divestment of resources by client.

Rule 12. A client who sells or otherwise disposes of an asset or other resource within 90 days before applying for the SER program without receiving the market value of the asset or resource shall be ineligible for the SER program if the reason for the sale or disposition is to become eligible for, or remain eligible for, the SER program, to increase the amount of emergency relief, or to avoid repayment of emergency relief that has been granted.

R 400.7013 Relief; issuance; form; standard rates; approval by department.

Rule 13. (1) The department may issue emergency relief for which a client has been determined eligible in the form of vendor payments to the provider.

(2) Prior authorization from the department for relief is required, except when the emergency need occurs before or after regular office hours of the department, in which case payment may be made if the client files an application within 5 business days of the emergency. Prior authorization is required for burial unless the department is closed for the entire period between death and burial or cremation, in which case payment may be made if an application is filed on the first business day following the occurrence.

(3) Payment may be made only for the services that are approved during the authorization period.

R 400.7014 Eligibility; exempt income; available earned and unearned income.

Rule 14. (1) Income that is exempt from consideration in determining eligibility for the SER program shall be income from the following sources:

- (a) Income in kind.
 - (b) Food assistance program.
 - (c) Michigan homestead property tax credit.
 - (d) Money given to the SER group by a person or organization as reimbursement for past, current, or future training-related expenses, medical care expenses, or expenses incurred as a volunteer.
 - (e) Reimbursement of medicare premiums.
 - (f) Michigan department of mental community health family support subsidy payments.
 - (g) Compensation that is awarded for a particular use.
 - (h) Child care payments and allowances that are made by the department.
 - (i) Disaster relief assistance.
 - (j) Benefits that are received from any of the following programs:
 - (i) Women, infants, and children program.
 - (ii) Title VII nutrition program for the elderly.
 - (iii) Energy assistance that is received from any of Michigan's low income energy assistance grant programs.
 - (iv) Child nutrition and school lunch programs and subsidies.
 - (k) Housing assistance that is paid under any state or federal law.
 - (l) Educational grants and scholarships.
 - (m) The earnings of a member of the SER group who is a dependent child when both of the following conditions are met:
 - (i) The accumulated earnings are held in a savings account of which the dependent child who earned the money is the sole tenant.
 - (ii) The accumulated earnings are not commingled with money obtained from any source except the earnings of the dependent child.
- (2) Unearned income shall be counted in determining the amount of emergency relief that a SER group is eligible to receive. Such income includes all of the following:
- (a) Assistance that is paid by the department pursuant to the family independence program or the state disability assistance program.
 - (b) Retirement, survivors, and disability insurance benefits that are paid by the social security administration.

- (c) Supplemental security income that is paid by the social security administration.
 - (d) Alimony.
 - (e) Child support.
 - (f) Veterans administration benefits.
 - (g) Unemployment benefits, including unemployment compensation benefits, railroad unemployment benefits, and other governmental unemployment benefits.
 - (h) Payments from private sick and accident insurance plans.
 - (i) Workers' compensation benefits.
 - (j) Pensions and retirement benefits.
 - (k) Strike benefits.
 - (l) Income that is received by a client from the sale of property on a land contract or mortgage, including principal and interest.
 - (m) Military allotments.
 - (n) Investment income, such as dividends, interest, and royalties.
 - (o) Income from annuities, bonds, stocks, and trusts.
- (3) Net unearned income shall be determined by deducting all of the following from the gross amount received:
- (a) Mandatory taxes.
 - (b) Court-ordered child support paid, but not more than the amount ordered by the court.
 - (c) Payments for health insurance.
- (4) Net income from employment or self-employment shall be determined by deducting the expenses of employment from the gross amount received. Expenses of employment shall be limited to the following:
- (a) Mandatory taxes.
 - (b) Deductions required by the employer as a condition of employment.
 - (c) Deductions for health insurance.
 - (d) Court-ordered child support paid, but not more than the amount ordered by the court.
 - (e) The cost of dependent care for either of the following:
 - (i) A dependent child who is less than 13-years-old.
 - (ii) A person who is 13-years-old or older and who needs care due to a mental or physical impairment.
- (5) The amount deducted for dependent care under the provisions of subrule (4)(e) of this rule shall be the actual cost of care or \$200.00, whichever is less, for each person who receives dependent care. The cost of dependent care for a person shall not be allowed as a deduction from the earnings of more than 1 member of the SER group. A deduction for the cost of dependent care shall not be allowed if the caregiver is any of the following persons:
- (a) A member of the SER group.
 - (b) A legally responsible relative of the employed person or of the person who needs care.
 - (c) A dependent relative of the employed person.
 - (d) A person who is not a member of the SER group, if the care can reasonably and safely be provided by 1 of the following persons who lives in the home:
 - (i) A member of the SER group.
 - (ii) A responsible relative of the employed person or the person who needs care.
 - (iii) A dependent relative of the employed person.

R 400.7015 Basic monthly income need standards; determining amount of relief.

Rule 15. (1) A SER group shall be eligible with respect to income if the total combined monthly net income that is received or expected to be received by all members of the SER group in the 30-day period after the date of application for emergency relief is not more than the monthly basic income need standard for the number of members in the SER group.

(2) Income that is more than the basic monthly income need standard for the number of members in the SER group shall be deducted from the cost of resolving the emergency to determine the amount of emergency relief to be issued by the department, except that the department may require that the client execute a reimbursement agreement in the amount of the client's share of the cost of meeting the emergency or reduce or waive the client's share of the cost of meeting the emergency when the department determines that the client's share is not immediately available to meet the cost of the emergency and the service is necessary to remove a threat to life or health.

(3) The basic monthly income need standards shall be established by the department based on available actual appropriations. The standards shall be published in department policy and be made available to the public.

R 400.7016 Eligibility; assets.

Rule 16. (1) If the total combined cash assets that are not exempt from consideration of all members of the SER group are more than the protected cash asset limit, the amount in excess of the protected cash asset limit shall be deducted from the cost of resolving the emergency to determine the amount of emergency relief to be issued by the department.

(2) A SER group composed solely of recipients of any of the following shall have automatic eligibility on the basis of noncash assets:

- (a) Family independence program.
- (b) State disability assistance.
- (c) Medical assistance.
- (d) Food assistance program.
- (e) Supplemental security income paid by the social security administration.

(3) A SER group whose members' equity in noncash assets is more than the protected noncash asset limit for the number of members in the SER group is not eligible for the SER program.

(4) To be relevant to a determination of eligibility, the assets in question shall be legally available to, and under the control of, the client and shall be salable.

(5) In determining the equity in an asset, the department shall deduct all of the following from the market value of the asset:

- (a) Any encumbrances against the asset.
- (b) The costs incurred in selling the asset.
- (c) An amount to which a person who is not a member of the SER group is equitably entitled.

(6) All of the following assets are exempt from consideration in determining eligibility for emergency relief:

- (a) One homestead.
- (b) Household goods.
- (c) Personal goods.
- (d) One burial space per SER group member.

(e) Assets that are essential to employment or self-employment, including all of the following:

- (i) Farm livestock and farm equipment.
- (ii) Farmland.

- (iii) Tools, equipment, and machinery.
- (f) One motor vehicle that is used as the primary means of transportation.
- (g) The accumulated earnings of a member of the relief group who is a dependent child when both of the following conditions are met:
 - (i) The accumulated earnings are held in a savings account of which the dependent child who earned the money is the sole tenant.
 - (ii) The accumulated earnings are not commingled with money obtained from any source except the earnings of the dependent child.
- (h) Educational grants and scholarships.
- (i) The total cash surrender value of life insurance policies.
- (j) Irrevocable prepaid burial contracts.
- (7) The protected cash asset limit shall not exceed the maximum limit set by the department. The protected cash asset limit shall be published in department policy and be made available to the public.
- (8) The protected noncash asset limit shall not exceed the maximum limit set by the department. The protected noncash asset limit shall be published in department policy and be made available to the public.

R 400.7017 Eligibility; reimbursement repayment of certain SER grants.

Rule 17. As a condition of eligibility for the SER program, the department may require an applicant to sign a repay agreement for any of the following:

- (a) The relief that is granted to the extent of any lump-sum payment or potential resources expected to be received, except for those benefits that are unattachable by law.
- (b) The relief that is granted pending the reissuance of a lost or stolen assistance warrant.
- (c) The relief that is issued pursuant to ~~to~~ under a waiver of any of the eligibility requirements established by these rules.

R 400.7018 Eligibility; evaluating need and resources of SER group members.

Rule 18. The need and resources of each member of the SER group shall be evaluated in determining eligibility for relief to meet emergency relief needs. All assets and income of each member of the SER group shall be counted in determining the eligibility of the group and the amount of relief to be issued.

R 400.7019 Agreement by client to make potential resources available.

Rule 19. A client shall agree to take all feasible reasonable action to make potential resources, as described in department policy, available before emergency relief is issued.

R 400.7020 Client actions contributing to emergency as basis for denial of relief; required payments.

Rule 20. (1) Failure, without good cause, on the part of any member of the SER group to meet required payments for any of the following shall be a basis for the denial of an application for the SER program if the department determines that the failure to meet required payments contributed to the emergency situation for which relief is requested:

- (a) Rent.
- (b) Purchase of a home.
- (c) Mandatory house insurance premiums required under the terms of a mortgage or land contract.

- (d) Heating fuel.
- (e) Electricity.
- (f) Water or cooking gas, or both.
- (g) Utility deposits.

(2) The required payments for rent or the purchase of a home are the total amount of the SER group's monthly obligations for these needs during each of the 6 months before the month during which the SER group applies for emergency relief.

(3) The required payments for mandatory house insurance premiums required by the terms of a mortgage or land contract are the total amount of the SER group's obligations for mandatory house insurance premiums that fell due, or were overdue, during the 6 months before the month during which the SER group applies for emergency relief.

(4) The required payments for electricity, heat, and heat and electric deposits are met if, during each month of the 6-month period before the month in which the SER group applies for electricity, heat, or heat and electric deposit assistance, the group paid the combined electricity and heat required payment amounts for the number of persons in the group.

(5) The required payments for a non-energy utility deposit, water, cooking gas, or water and cooking gas are met if, during each month of the 6-month period before the month in which the SER group applies for a non-energy utility deposit, water, cooking gas, or water and cooking gas assistance, the group paid the water or cooking gas, or both, required payment amount for the number of persons in the group.

(6) Good cause shall exist for a failure to meet required payments if the SER group's net countable income from all sources during each month that the group failed to pay shelter, energy, or utility obligations was not reduced under the provisions of R 400.7021 and was less than the amounts specified by group size and established by the department and published in department policy.

(7) Electricity required payment amounts shall be established by the department and published in department policy.

(8) Heating fuel required payment amounts shall be established by the department and published in department policy.

(9) Water or cooking gas, or both, required payment amounts shall be established by the department and published in department policy.

R 400.7021 Action to obtain other governmental program resources required.

Rule 21. A SER group shall not be eligible for relief under the SER program if a member of the SER group has been denied assistance under any of the following programs for failure to comply, when able, with a procedural requirement of those programs:

- (a) The family independence program administered by the department.
- (b) The state disability assistance program administered by the department.
- (c) The supplemental security income program administered by the social security administration.

R 400.7022 Expanded services for individual SER groups.

Rule 22. The director, or a person who is designated by the director, may, within limits established by the department, make exceptions in individual cases to these rules to accomplish any of the following purposes:

- (a) To expand services to meet a particular SER group's emergency.

(b) To increase the standard rates established by the department for the covered services needed to meet a particular SER group's emergency.

(c) To approve payment for a service that did not have the required prior approval when, in the judgment of the director or the director's designee, the service provided under the exception is necessary to remove a threat to life or health.

R 400.7024 Eligibility; presence of client.

Rule 24. To be eligible for benefits of the SER program, a client shall be in this state at the time of application or at the time the application is approved.

R 400.7025 Rescinded.

R 400.7026 Relocation services.

Rule 26. (1) Relocation services may be approved for any of the following reasons:

(a) To establish a dwelling unit for a homeless SER group.

(b) To reestablish a dwelling unit for a client who is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the client files an application for emergency relief.

(c) A dwelling unit that meets acceptable standards of health and safety is needed to accomplish either of the following purposes:

(i) To prevent the removal of children from parental care.

(ii) To enable children to be returned to parental care.

(d) To prevent eviction of a SER group when a member of the group has received a summons to appear in court as a defendant in an eviction action or a judgment of eviction has been issued by the court.

(e) To relocate a SER group that has received a final notice to vacate condemned housing from a local public agency authorized to issue such an order.

(2) Payment for relocation services under this rule may be made for any of the following needs:

(a) First month's rent.

(b) Rent arrears.

(c) Moving expenses to relocate household effects.

(3) Payment for relocation services shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the same emergency will not recur in the immediate future.

(4) Payment for relocation services shall not be more than the relocation services payment maximum for the number of members in the SER group.

(5) The relocation fiscal year cap shall be established by the department, published in department policy, and be made available to the public.

R 400.7027 Home ownership services.

Rule 27. (1) The department may issue payment for home ownership services, which include any of the following services that are necessary to maintain a homestead:

(a) Mortgage, land contract payments, or mobile home sales contracts, including principal and interest, legal fees, and escrow accounts for taxes and insurance.

(b) Property taxes and fees.

(c) Home insurance premiums that are required under the terms of a mortgage or land contract.

(d) Mobile home lot rental.

(2) Home ownership services may be approved only to prevent foreclosure or the initiation of a foreclosure or eviction action or loss of a homestead due to unpaid taxes. Emergency relief shall not be approved for home ownership services if there is no plan to ensure that the home will continue to provide safe and affordable shelter for the SER group.

(3) Payment for home ownership services shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the same emergency will not recur in the immediate future.

(4) Payment for home ownership services shall not be approved if the payment would cause the home ownership services allowance to be exceeded.

(5) The home ownership services allowance shall be determined by the department and shall be published in department policy and be made available to the public. The allowance is for the lifetime of the client.

(6) Payment for home ownership services shall not be approved unless all of the following provisions are satisfied:

(a) A member of the SER group is the owner or purchaser of the home.

(b) The home is the SER group's permanent, usual place of residence.

(c) The home is in livable condition or can be brought to livable condition within the remaining home repairs allowances.

(d) The home is not currently listed for sale.

(7) Payment for property taxes under home ownership services shall not be approved if the total tax arrearage for all years is more than the ownership services maximum \$2,000.00.

R 400.7028 Rescinded.

R 400.7029 Payment for home repairs.

Rule 29. (1) Payment for home repairs may be made only if all the following conditions are met:

(a) The home is owned, being purchased, or held under a life estate by a member of the SER group and is the group's permanent, usual place of residence.

(b) The SER group is living in the home, unless the members are absent due to the condition of the home or the health of a member.

(c) The home is not for sale.

(d) The home is not in jeopardy of loss due to unpaid property taxes or foreclosure of a mortgage or land contract.

(e) The repairs are necessary to remove a direct threat to the health or safety of the SER group members.

(2) Repairs shall restore the home to a livable condition.

(3) The most cost-effective repair or replacement of the defect is authorized.

(4) The client may be required to obtain or assist in obtaining an estimate of the costs of repairs.

(5) The client may be required to use a licensed contractor.

(6) If the department authorizes furnace replacement, the client may be required to purchase an energy-efficient unit.

(7) Emergency relief shall not be approved for home repairs if there is no plan to ensure that the home will continue to provide shelter for the SER group in the future.

(8) Payment for home repairs shall not be made unless the income of the SER group is sufficient to meet the total housing obligation of the dwelling unit, thereby assuring that the homestead will provide shelter for the SER group in the foreseeable future.

(9) Payment for home repairs shall not be approved if the payment would cause the federally funded home repairs allowance or the state-funded home repairs allowance to be exceeded.

(10) The federally funded home repairs allowance shall be determined by the department based upon available federal funding. The allowance shall be published in department policy and be made available to the public.

(11) The state-funded home repairs allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

R 400.7030 Payment for water or cooking gas services; payment for utility deposits.

Rule 30. (1) Payment may be made to prevent the shutoff of water service or cooking gas service, or both, or to restore the service, including reconnect or hookup fees and other charges necessary to provide service.

(2) Payment for water or cooking gas services, or both, shall not be made unless such payment will assure continuation of water or cooking gas services, or both, or restoration of such services, for a minimum of 30 calendar days.

(3) A payment for water or cooking gas services, or both, shall not be approved if the payment would cause the water or cooking gas, or both, fiscal year cap to be exceeded.

(4) Payment of a utility deposit may be made to commence utility service or to prevent discontinuance of utility service. Payment for a utility deposit shall not be more than the lesser of the following:

(a) The amount charged by the utility company.

(b) The utility deposit cap.

(5) The water or cooking gas, or both, fiscal year cap shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(6) The utility deposit cap shall be established by the department based on available actual appropriations. The issuance shall be published in department policy and be made available to the public.

R 400.7031 Payment for electricity.

Rule 31. (1) Payment may be made to prevent the shutoff of electricity or to restore the service.

(2) Payment for electricity shall not be made unless the payment will assure the continuation of electricity service, or the restoration of such service, for a minimum of 30 calendar days.

(3) A payment for electricity shall not be approved if the payment would cause the electricity fiscal year cap to be exceeded.

(4) The electricity fiscal year cap shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

R 400.7032 Payment for heating fuel.

Rule 32. (1) Payment may be made to prevent the shutoff of heating fuel or to restore the service.

(2) Payment for heating fuel shall not be made unless the payment will assure the continuation of heating fuel service, or the restoration of such service, for a minimum of 30 calendar days.

(3) A payment for heating fuel shall not be approved if the payment would cause the heating fuel fiscal year cap to be exceeded.

(4) The heating fuel fiscal year cap if natural gas or wood is the heat source shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

(5) The heating fuel fiscal year cap if fuel oil, liquefied propane gas, or coal is the heat source shall be established by the department based on available actual appropriations. The cap shall be published in department policy and be made available to the public.

R 400.7033 Payment for inpatient or outpatient hospitalization of migrant families.

Rule 33. (1) Inpatient hospitalization or outpatient services for migrant families may be provided for a period of up to 30 consecutive days in any 12-month period if all of the following provisions are satisfied:

(a) Members of the migrant family have not received migrant hospitalization services from the SER program in the 12-month period preceding the date of hospital admission.

(b) The person applying for inpatient hospitalization or outpatient services is ineligible for medicaid, and medicaid ineligibility did not result from any of the following:

(i) Excess income.

(ii) The applicant's failure to meet a procedural requirement of medicaid.

(iii) The applicant's entrance into this state for reasons other than employment.

(c) No member of the household quit or refused employment or training without good cause within the 30 days prior to application.

(2) A migrant family is a family that meets all of the following requirements:

(a) Works primarily in agriculture or a related seasonal industry.

(b) Moves from place to place to find work.

(c) Lives in a temporary residence during the work season.

(d) Has a child who is less than 21-years-old and who is living with, or has lived with, a specified relative during the last 6 months.

(e) The household members are nonresidents of this state.

(3) Exclusions, payment rates, and conditions of coverage for inpatient hospitalization shall be based on medicaid payment rates and covered services. Elective hospitalization is not a covered service.

(4) Exclusions, payment rates, and conditions of coverage for outpatient services shall be based on medicaid payment rates and covered services subject to the following provisions:

(a) Services which are a follow-up to inpatient services and which are performed within 30 days of the hospital admission will be covered.

(b) Services which are normally performed as inpatient services, but which the attending physician and the client have decided to have performed on an outpatient basis will be covered.

R 400.7034 Payment for burial or cremation of deceased person.

Rule 34. (1) Payment may be made for burial or cremation of a deceased person when sufficient resources from the deceased person's estate and expected contributions from responsible relatives are not available.

(2) Payment may be made for any of the goods and services that are customarily provided for the burial or cremation of a deceased person, including all of the following:

(a) Goods and services that are provided by a funeral director.

(b) An outside receptacle that is required by the cemetery and that consists of a metal or concrete rough box.

(c) A single burial space.

(d) Opening and closing the grave.

(e) The use of cemetery equipment.

(f) Transportation.

(g) Clothing.

(h) Clergyman's honorarium.

(i) Cremation.

(3) Payment may be approved for burial or cremation in any of the following locations:

(a) The county where the deceased had lived.

(b) The county where the deceased died.

(c) A county of a relative's choice in this state or in another state.

(d) A location stipulated in a prearranged burial agreement.

(4) Friends or relatives may supplement the SER payment in any amount up to that shall be determined by the department and shall be published in department policy and be made available to the public for additional services. Responsible relatives may designate a maximum amount designated by the department of a required copayment for this purpose.

(5) An application for emergency relief shall be denied if the total amount contributed for additional services is more than the maximum amount determined by the department and published in department policy to be made available to the public.

(6) The amount of an expected lump-sum death benefit from the social security administration shall be deducted from the state payment if the surviving spouse resided with the deceased person at the time of death.

(7) The department shall determine the availability of benefits from veterans' programs, life insurance, fraternal or social organizations, and prearranged funeral agreements. Such benefits may reduce the amount paid by the department by an amount equal to the benefits.

(8) Payment for the burial or cremation of an adult or of a child who is 1 month of age or older shall not be more than the adult burial with services allowance if family services are provided.

(9) Payment for the burial or cremation of an adult or of a child who is 1 month of age or older shall not be more than the adult burial without services allowance if family services are not provided.

(10) The payment for the burial, cremation, or other disposition of a child who is less than 1 month of age, a fetus, or a limb shall not be more than the infant burial allowance.

(11) The adult burial with services allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(12) The adult burial without services allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

(13) The infant burial allowance shall be established by the department based on available actual appropriations. The allowance shall be published in department policy and be made available to the public.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

STATE TREASURER

AUDIT STANDARDS FOR FIELD AUDITS

Filed with the Secretary of State on May 13, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Department of Treasury by sections 3 and 21 of 1941 PA 122, MCL 205.3 and MCL 205.21.)

R 205.2001, R 205.2002, R 205.2003, R 205.2004, R 205.2005, R 205.2006, R 205.2007, R 205.2008, R 205.2009, R 205.2010 and R 205.2011 are added to the Michigan Administrative Code as follows:

R 205.2001 Definitions.

Rule 1. As used in these rules:

(a) “Audit sampling” means the application of an audit procedure to less than 100% of the items within an account balance or class of transactions for the purpose of evaluating some characteristic of the balance or class.

(b) “Audit workpapers” mean workpapers created by the auditor. The auditor shall retain the audit workpapers and may only share them with the audited person or his or her or its authorized representative to the extent disclosure is allowed by statute. The workpapers provide support for the auditor’s opinion as to the proper tax owed for a tax period.

(i) Workpapers include information about the procedures followed, the tests performed, the information obtained, including identification of the documents or accounts that constitute the evidence pertinent to the auditor’s review and conclusions about an audited person’s tax liability. The workpapers may include samples of the documents or accounts that support the auditor’s conclusions.

(c) “Field audit” means the examination of the books and records of a person to determine the proper tax liability for a tax period. A field audit includes an examination of the audited person’s books and records to test if they are sufficient to accurately determine the tax liability for a tax period. Both of the following apply:

(i) The books and records of a person are sufficient if they allow transactions to be traced back to the source or forward to a final total. For example, bank deposit slips, receipt books, credit card charge slips, cash register tapes, canceled checks, credit card sales slips, invoices, bills of lading, and shipping documents are source documents.

(ii) Sales transactions must identify the item sold. Sales records include, but are not limited to sales slips, receipts, invoices, cash register tapes or other original sales documents.

(iii) Documents prepared for internal use by the audited person are not source documents for purposes of tracing a final total to a transaction if the documents do not provide detail at the transaction level and if the documents were created in a process for which the auditor cannot obtain reasonable assurance that the transactions were accurately reproduced from the original documents.

(d) “Indirect audit procedures” means the determination of the tax liability through an analysis of the audited person’s business activities using information from a range of sources beyond the person’s declaration and formal books and records.

(e) A “review” generally requires the examination of only one or two documents but in some instances may require a review of other related documents to substantiate an item that was reported, or that should have been reported on a tax return or claim form. A review is not a field audit. The audit standards for field audits, rule 2 through rule 11 of these rules, do not apply to reviews.

(i) Generally, Department employees who conduct reviews are not required to meet the minimum educational standards for auditors outlined by the Michigan civil service commission but they must meet the minimum educational requirements that are commensurate with the scope and expertise necessary to conduct a review.

(ii) Department employees who conduct reviews do not visit the taxpayer’s place of business.

(iii) Reviews do not require an understanding of the entity or the entity’s internal controls. Reviews do not require an assessment of audit risk and do not involve sampling.

(iv) Department employees who conduct reviews are subject to the standards for the treatment of the public set forth in the taxpayer bill of rights rules, R 205.1001 through R 205.1013, the ethical conduct standards set forth in the state ethics act, 1973 PA 196, MCL 15.341 through 15.348, as well as civil service commission rules and regulations. Employees are also subject to the department policies and procedures set forth in the treasury employee handbook regarding confidential information, employee conduct, training and development. Employees are also subject to the policies and procedures set forth in the taxpayer rights handbook regarding conduct, including but not limited to conflicts of interest, confidentiality, fairness and impartiality, and curtesy and consideration.

(v) The results of the review may be reported to the taxpayer or claimant through a letter, a notice of refund adjustment or a notice of intent to assess.

R 205.2002 Technical training; competence for field audits.

Rule 2. (1) Auditors must meet the minimum educational requirements outlined by the Michigan civil service commission in the applicable civil service job specification.

(2) Auditors must possess the professional competence needed to adequately address the field audit objectives and perform the field audit.

(3) Auditors must have adequate technical training and proficiency to perform a ~~field~~ audit. Auditors must satisfactorily complete relevant departmental training prior to conducting an audit.

(4) Departmental training must be conducted by employees who have previously demonstrated competence in the area in which training is being provided. Training includes instruction in all of the following:

(a) The tax under audit.

(b) Sampling methods employed in the audit.

(c) Software and other technology used in the audit.

(5) Auditors must have appropriate technical knowledge. Appropriate technical knowledge contemplates all of the following:

- (a) The ability and resources to conduct necessary research.
- (b) Access to consult with knowledgeable individuals as necessary.
- (c) Sufficient experience to evaluate the need for additional research or consultation with others.

R 205.2003 Objectivity, independence.

Rule 3. (1) Independence is a state of mind that permits the performance of a field audit without being affected by influences that compromise professional judgment, thereby allowing an individual to act with integrity and exercise objectivity and professional skepticism.

(2) Objectivity imposes the obligation to be impartial, intellectually honest, and free of conflicts of interest. Independence precludes relationships that may appear to impair the auditor's objectivity.

(i) Relationships that may appear to impair objectivity include a direct or a material indirect interest in a taxpayer by the auditor or a family member of the auditor.

(3) An auditor's independence and objectivity are not impaired by the selection of a taxpayer for audit by the department because the taxpayer or the taxpayer's industry has been identified through audit selection criteria as at risk for noncompliance with tax laws.

(4) If an auditor believes that a conflict of interest may exist in relation to an audit, he or she shall inform the audit supervisor. The audit supervisor will assist the auditor in determining the best course of action.

(5) The department will provide periodic training to promote awareness about the necessity for independence and objectivity in carrying out the duties of an auditor.

R 205.2004 Due professional care for field audits.

Rule 4. (1) Auditors must exercise due professional care in the performance of the field-audit and the preparation of the audit report. Due professional care requires auditors to plan and perform the audit observing field audit standards. Field audit standards include all of the following:

(a) Adequately planning the audit and supervising assistants.

(b) Obtaining a sufficient understanding of the audited person and internal controls that are significant within the audit objectives.

(c) Obtaining sufficient evidence to support the auditor's findings and conclusions.

(2) Auditors should possess the skills commonly possessed by other auditors and exercise those skills with reasonable care and diligence.

(3) The lead auditor shall assign tasks and supervise assistants.

(a) Auditors should be assigned to tasks and supervised commensurate with their level of knowledge, skill, and ability so that they can evaluate the audit evidence they are examining.

(b) The lead auditor shall know the relevant auditing standards and be knowledgeable of the person being audited.

(4) Throughout the field audit, auditors shall exercise professional skepticism when evaluating the competency and sufficiency of the evidence. Professional skepticism requires the auditor to have a questioning mind and the ability to make a critical assessment of the evidence.

(5) Auditors shall diligently, in good faith and with integrity, gather evidence for objective evaluation.

(6) When evaluating the quality of information provided by the audited person, auditors shall recognize that the information should not be accepted without some basis for reliance. Auditors should seek to verify the accuracy of the audited person's assertions.

(7) Failure of the audited person to provide requested evidence shall not reflect on the due professional care of the auditor.

R 205.2005 Reasonable assurance for field audits.

Rule 5. (1) Auditors shall obtain sufficient and appropriate evidence to provide reasonable assurance that the findings of the field audit have reasonably determined the tax liability of the audited person.

(2) Auditors shall use professional judgment regarding the areas to be tested and the nature, timing, and extent of the testing to be performed.

(3) Auditors shall use professional judgment in interpreting the results and evaluating the audit evidence.

(4) Reasonable assurance is not absolute assurance. Absolute assurance is not attainable because of the nature of audit evidence and the fact that auditors must rely on evidence that is persuasive rather than convincing.

(5) Reasonable assurance does not apply to an audit if the audited person does not have sufficient records or does not permit access to records. The auditor may then rely on the best available information to determine estimated tax due.

R 205.2006 Planning and supervision of field audits.

Rule 6. (1) To the extent possible, the field audit plan should be discussed with the audited person or the person's authorized representative prior to the commencement of fieldwork.

(2) Auditors should plan audit procedures to obtain the quality and quantity of evidence necessary to accurately determine the tax liability.

(a) The specific procedures employed and the evidence gathered will vary depending upon the audited person's record-keeping system, amounts reported, risk of misstatement of the tax liability, and other circumstances.

(3) The nature, timing, and extent of the direction and supervision of field audits depend on many factors, including the following:

(a) The size and complexity of the entity.

(b) The area of the audit.

(c) The assessed risks of material misstatement of a tax liability.

(d) The capabilities and competence of the field auditors.

R 205.2007 Understanding audited person, including internal controls, and assessment of risk.

Rule 7. (1) Auditors must have an understanding of all of the following as it pertains to the audited person:

(a) Matters relating to the person's business, including its organization, operating characteristics, business lines, and capital structure.

(b) Matters affecting the industry in which the person operates, such as financial reporting practices, economic conditions, laws and regulations, and technological changes.

(c) Legal or regulatory matters affecting the person.

(d) Public information about the person.

(e) The relative complexity of the person's operations.

(2) Auditors shall obtain an understanding of the internal controls that are significant within the context of the audit objective. Both of the following apply:

(a) The audit objective is not to conduct an audit of internal control over financial reporting or to express an opinion on the effectiveness of the person's internal control over financial reporting.

(b) Auditors should have an understanding of the internal controls in order to plan and perform the audit to obtain appropriate evidence that is sufficient to obtain reasonable assurance the tax liability is accurately determined.

(3) Auditors shall assess the risk that findings, conclusions, and ultimately the tax liability may be improper or incomplete. The auditor's risk assessment and the determination of the necessary procedures includes consideration of all of the following:

- (a) The complexity of the organization, business unit, or process.
- (b) The condition of the records.
- (c) The cooperation of the audited person.

R 205.2008 Field audit evidence and documentation.

Rule 8. (1) Auditors must obtain sufficient and appropriate audit evidence by performing audit procedures to provide a reasonable assurance for the conclusions reached in the audit.

(2) Auditors must prepare audit documentation in sufficient detail to enable an experienced auditor, having no previous connections to the audit, to understand from the audit documentation the nature, timing, extent, and results of audit procedures performed; the audit evidence obtained and its source; and the conclusions reached.

R 205.2009 Field audit sampling and sampling projections.

Rule 9. (1) When designing an audit sample, auditors must consider the purpose of the audit procedure and the characteristics of the population from which the sample will be drawn. The auditor may use statistical or nonstatistical sampling. The sampling method shall be determined on a case-by-case basis. The auditor may consider the circumstances of the audit, the type of taxpayer entity, and the taxpayer's internal control system.

(2) Auditors must select items for the sample in such a way that the auditors can reasonably expect the sample to be representative of the relevant population and likely to provide the auditors with a reasonable basis for conclusions about the population.

(3) Auditors must perform audit procedures, appropriate to the purpose, on each item selected.

(4) Auditors must investigate the nature and causes of any deviations or misstatements identified and evaluate their possible effect on the purpose of the audit procedure and on other areas of the audit.

(5) Auditors must project the results of audit sampling to the population.

(6) Auditors may use either statistical or non-statistical sampling of the audited person's books and records to provide sufficient evidence to form a conclusion about the correct tax liability. Non-statistical sampling includes judgmental samples, random samples, simple random sampling, systematic sampling, and cluster sampling or any other sampling method that does not involve statistical evaluation.

(7) Whenever 2 or more accounting populations for a particular tax return are combined and examined with the aid of a statistical sample, the sample result can be combined according to the rules for a stratified sample.

(8) When sampling the same accounts for multiple years, the auditor may combine the accounts into 1 population. The result must be projected by a reasonable method that the auditor determines prior to selecting the sampling units.

(9) If an audited person does not have sufficient records or fails to provide records, the auditor shall determine the best information available and base the estimated tax liability on that information.

R 205.2010 Elements of audit report of findings.

Rule 10. The audit report shall disclose all of the following information:

(a) The audit scope, methods, and procedures used, as well as books, records, and papers examined and relied upon to determine any tax deficiency or credit for the tax period or periods involved.

(b) If the evidential matter warrants, a recommendation for penalty and interest, along with the basis for the recommendation, and the statutory authority providing for penalty and interest.

(c) Whether the audited person is in agreement or disagreement with the audit findings. If the audited person disagrees with the findings, indicate the audited person's basis for disagreement if the audited person has communicated a basis for disagreement.

R 205.2011 Confidentiality

Rule 11. Auditors are bound by the same confidentiality rules promulgated under the taxpayer bill of rights rules which are R 205.1001(c), R 205.1003, R 205.1004, R 205.1006 and R 205.1007.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on May 5, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.13901 and R 408.13902 of the Michigan Administrative Code are amended, and R 408.13905 of the Code is added, as follows:

PART 39. DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS

R 408.13901 Scope.

Rule 3901. These rules establish the minimum electrical safety requirements that are necessary for the practical safeguarding of employees in their workplaces. These rules cover design safety standards for electric utilization systems and include all electric equipment and installations used to provide electric power and light for employee workplaces.

R 408.13902. Adoption of federal standards.

Rule 3902. (1) The following federal occupational safety and health administration (OSHA) regulations from the Code of Federal Regulations are adopted by reference in these rules:

- (a) 29 C.F.R. §1910.302 "Electric utilization systems."
- (b) 29 C.F.R. §1910.303 "General."
- (c) 29 C.F.R. §1910.304 "Wiring design and protection."
- (d) 29 C.F.R. §1910.305 "Wiring methods, components, and equipment for general use."
- (e) 29 C.F.R. §1910.306 "Specific purpose equipment and installations."
- (f) 29 C.F.R. §1910.307 "Hazardous (classified) locations."
- (g) 29 C.F.R. §1910.308 "Special systems."
- (h) 29 C.F.R. §1910.399 "Definitions applicable to this subpart."

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

(3) A reference to C.F.R. §1910.147 “General Environmental Controls-The control of hazardous energy (lockout/tagout),” means General Industry Safety Standard Part 85 “The Control of Hazardous Energy Sources,” as referenced in R 408.13905.

(4) A reference to C.F.R. §1910.332 “Electrical-Training,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.13905.

R 408.13905 Availability of adopted and referenced rules.

Rule 3905. (1) The following regulations are adopted by reference in these rules and are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules:

(a) 29 C.F.R. §1910.302 “Electric Utilization Systems,” February 14, 2007.

(b) 29 C.F.R. §1910.303 “General,” October 29, 2008.

(c) 29 C.F.R. §1910.304 “Wiring design and protection,” October 29, 2008.

(d) 29 C.F.R. §1910.305 “Wiring methods, components, and equipment for general use,” February 14, 2007.

(e) 29 C.F.R. §1910.306 “Specific purpose equipment and installations,” February 14, 2007.

(f) 29 C.F.R. §1910.307 “Hazardous (classified) locations,” February 14, 2007.

(g) 29 C.F.R. §1910.308 “Special systems,” February 14, 2007.

(h) 29 C.F.R. §1910.399 “Definitions applicable to this subpart,” April 11, 2014.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/miohastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” R 408.14001 to R 408.14009.

(b) General Industry Safety Standard Part 85 “The Control of Hazardous Energy Sources,” R 408.18501 to R 408.18599.

(5) The appendices to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on May 5, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.18602 of the Michigan Administrative Code is amended and R 408.18605 of the Code is added, as follows:

PART 86. ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION

R 408.18602 Adoption of federal standard.

Rule 8602. (1) The provisions of 29 C.F.R. §1910.269, "Electric Power Generation, Transmission, and Distribution" and appendices, except as amended in this rule, are adopted by reference in these rules.

(2) A reference to C.F.R. §1910.5 "Applicability of standards," means Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094

(3) A reference to C.F.R. §1910.12 "Construction work," means Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

(4) A reference to C.F.R. §1910.25 "Portable wood ladders," means General Industry Safety Standard Part 4 "Portable Ladders," as referenced in R 408.18605.

(5) A reference to C.F.R. §1910.26 "Portable metal ladders," means General Industry Safety Standard Part 4 "Portable Ladders," as referenced in R 408.18605.

(6) A reference to C.F.R. §1910.67 "Vehicle-mounted elevating and rotating work platforms," means General Industry Safety Standard Part 58 "Aerial Work Platforms," as referenced in R 408.18605.

(7) A reference to C.F.R. §1910.97 "Nonionizing radiation," means Occupational Health Standard Part 382 "Nonionizing Radiation," as referenced in R 408.18605.

(8) A reference to C.F.R. §1910.135 "Head protection," means General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.18605.

(9) A reference to C.F.R. §1910.141 "Sanitation," means Occupational Health Standard Part 474 "Sanitation," as referenced in R 408.18605.

(10) A reference to C.F.R. §1910.145 “Specifications for accident prevention signs and tags,” means General Industry Safety Standard Part 37 “Accident Prevention Signs and Tags,” as referenced in R 408.18605.

(11) A reference to C.F.R. §1910.146 “Permit-required confined space,” means General Industry Safety Standard Part 90 “Permit-Required Confined Spaces,” as referenced in R 408.18605.

(12) A reference to C.F.R. §1910.147 “Control of hazardous energy - lockout,” means General Industry Safety Standard Part 85 “The Control of Hazardous Energy Sources,” as referenced in R 408.18605.

(13) A reference to C.F.R. §1910.151 “Medical services and first aid,” means Occupational Health Standard Part 472 “Medical Services and First Aid,” as referenced in R 408.18605.

(14) A reference to C.F.R. §1910.243 “Guarding of portable powered tools,” means General Industry Safety Standard Part 38 “Hand and Portable Powered Tools,” as referenced in R 408.18605.

(15) A reference to C.F.R. §1910.266 “Logging operations,” means General Industry Safety Standard Part 51 “Logging,” as referenced in R 408.18605.

(16) A reference to C.F.R. §1910.302 “Electric utilization systems,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(17) A reference to C.F.R. §1910.303 “General,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(18) A reference to C.F.R. §1910.304 “Wiring design and protection,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(19) A reference to C.F.R. §1910.305 “Wiring methods, components, and equipment for general use,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(20) A reference to C.F.R. §1910.306 “Specific purpose equipment and installations,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(21) A reference to C.F.R. §1910.307 “Hazardous (classified) locations,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(22) A reference to C.F.R. §1910.308 “Special systems,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(23) A reference to C.F.R. §1910.331 “Scope,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(24) A reference to C.F.R. §1910.332 “Training,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(25) A reference to C.F.R. §1910.333 “Selection and use of work practices,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(26) A reference to C.F.R. §1910.334 “Use of equipment,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(27) A reference to C.F.R. §1910.335 “Safeguards for personnel protection,” means General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(28) A reference to C.F.R. §1910.1200 “Hazard Communication,” means General Industry Safety Standard Part 92 “Hazard Communication,” and Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 408.18605.

(29) A reference to C.F.R. Part 1910 Subpart D, “Walking – Working Surfaces,” means all of the following MIOSHA standards:

(a) General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.18605.

(b) General Industry Safety Standard Part 3 “Fixed Ladders,” as referenced in R 408.18605.

(c) General Industry Safety Standard Part 4 “Portable Ladders,” as referenced in R 408.18605.

(d) General Industry Safety Standard Part 5 “Scaffolding,” as referenced in R 408.18605.

(30) A reference to C.F.R. Part 1910 Subpart I, “Personal Protective Equipment,” means General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.18605.

(31) A reference to C.F.R. Part 1910 Subpart G, “Occupational Health and Environmental Control,” means all of the following MIOSHA standards:

(a) Occupational Health Standard Part 380 “Occupational Noise Exposure in General Industry,” as referenced in R 408.18605.

(b) Occupational Health Standard Part 382 “Nonionizing Radiation,” as referenced in R 408.18605.

(c) Occupational Health Standard Part 520 “Ventilation Control,” as referenced in R 408.18605.

(32) A reference to C.F.R. Part 1910 Subpart N, “Materials Handling and Storage,” means all of the following MIOSHA standards:

(a) General Industry Safety Standard Part 1 “General Provisions,” as referenced in R 408.18605.

(b) General Industry Safety Standard Part 13 “Derricks,” as referenced in R 408.18605.

(c) General Industry Safety Standard Part 18 “Overhead and Gantry Cranes,” as referenced in R 408.18605.

(d) General Industry Safety Standard Part 19 “Crawler, Locomotive and Truck Cranes,” as referenced in R 408.18605.

(e) General Industry Safety Standard Part 20 “Underhung Cranes and Monorail Systems,” as referenced in R 408.18605.

(f) General Industry Safety Standard Part 21 “Powered Industrial Trucks,” as referenced in R 408.18605.

(g) General Industry Safety Standard Part 49 “Slings,” as referenced in R 408.18605.

(h) General Industry Safety Standard Part 59 “Helicopters,” as referenced in R 408.18605.

(i) General Industry Safety Standard Part 72 “Automotive Service Operations,” as referenced in R 408.18605.

(33) A reference to C.F.R. Part 1910 Subpart S, “Electrical,” means both of the following

MIOSHA standards:

(a) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” as referenced in R 408.18605.

(b) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.18605.

(34) A reference to C.F.R. Part 1910 Subpart Z “Toxic and Hazardous Substances,” means Occupational Health Standard Part 301 “Air Contaminants for General Industry,” as referenced in R 408.18605.

(35) A reference to C.F.R. §1926.54 “Nonionizing radiation,” means Occupational Health Standard Part 681 “Radiation of Construction: Ionizing and Nonionizing,” as referenced in R 408.18605.

(36) A reference to C.F.R. §1926.100 “Head protection,” means Construction Safety Standard Part 6 “Personal Protective Equipment,” as referenced in R 408.18605.

(37) A reference to C.F.R. §1926.200 “Accident prevention signs and tags,” means Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” as referenced in R 408.18605.

(38) A reference to C.F.R. §1926.502 “Fall protection systems criteria and practices,” means Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.18605.

(39) A reference to C.F.R. §1926.960 “Definitions applicable to Subpart V Power Transmission and Distribution,” means Construction Safety Standard Part 16 “Power Transmission and Distribution,” as referenced in R 408.18605.

(40) A reference to C.F.R. Part 1926 Subpart M “**Fall Protection**,” means Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.18605.

(41) A reference to C.F.R. Part 1926 Subpart P “**Excavations**,” means Construction Safety Standard Part 9 “Excavation, Trenching, and Shoring,” as referenced in R 408.18605.

(42) A reference to C.F.R. Part 1926 Subpart W “**Rollover Protective Structures; Overhead Protection**,” means Construction Safety Standard Part 13 “Mobile Equipment,” as referenced in R 408.18605.

R 408.18605 Adopted and referenced standards.

Rule 8605. (1) The provisions of 29 C.F.R. §1910.269 “Electric Power Generation, Transmission, and Distribution” as revised April 11, 2014, are adopted by reference in these rules, except as noted in R 408.18602. This standard is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(2) The standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) Copies of the standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The Michigan occupational safety and health standards (MIOSHA) referenced in these rules are available at up to 5 copies of these standards at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website:

www.michigan.gov/miohastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(5) The following MIOSHA construction safety standards (CS) are referenced in these rules:

(a) CS Part 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.

(b) CS Part 9 “Excavation, Trenching, and Shoring,” R 408.40901 to R 408.40953.

(c) CS Part 13 “Mobile Equipment,” R 408.41301.

(d) CS Part 16 “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(e) CS Part 22 “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.

(f) CS Part 45 “Fall Protection,” R 408.44501 to R 408.44502.

(6) The following MIOSHA general industry safety standards (GI) are referenced in these rules:

(a) GI Part 1 “General Provisions,” R 408.10001 to R 408.10098.

(b) GI Part 2 “Floor and Wall Openings Stairways and Skylights,” R 408.10201 to R 408.10241.

(c) GI Part 3 “Fixed Ladders,” R 408.10301 to R 408.10372.

(d) GI Part 4 “Portable Ladders,” R 408.10401 to R 408.10456.

(e) GI Part 5 “Scaffolding,” R 408.10501 to R 408.10592.

(f) GI Part 13 “Derricks,” R 408.11301.

(g) GI Part 18 “Overhead and Gantry Cranes,” R 408.11801 to R 408.11875.

(h) GI Part 19 “Crawler, Locomotive and Truck Cranes,” R 408.11901 to R 408.11972.

(i) GI Part 20 “Underhung Cranes and Monorail Systems,” R 408.12001 to R 408.12045.

(j) GI Part 21 “Powered Industrial Trucks,” R 408.12101 to R 408.12193.

(k) GI Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(l) GI Part 37 “Accident Prevention Signs and Tags,” R 408.13701 to R 408.13736.

(m) GI Part 38 “Hand and Portable Powered Tools,” R 408.13801 to R 408.13882.

(n) GI Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902.

(o) GI Part 40 “Electrical Safety-Related Work Practices,” R 408.14001 to R 408.14009.

(p) GI Part 49 “Slings,” R 408.14901 to R 408.14965.

(q) GI Part 51 “Logging,” R 408.15101 to R 408.15181.

(r) GI Part 58 “Aerial Work Platforms,” R 408.15801 to R 408.15842.

(s) GI Part 59 “Helicopters,” R 408.15901 to R 408.15931.

(t) GI Part 72 “Automotive Service Operations,” R 408.17201 to R 408.17253.

(u) GI Part 85 “The Control of Hazardous Energy Sources,” R 408.18501 to R 408.18599.

(v) GI Part 90 “Permit-Required Confined Spaces,” R 408.19001 to R 408.19002.

(w) GI Part 92 “Hazard Communication,” R 408.19201 to R 408.19204.

(7) The following MIOSHA occupational health standards (OH) are referenced in these rules:

(a) OH Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(b) OH Part 380 “Occupational Noise Exposure in General Industry,” R 325.60101 to R 325.60128.

(c) OH Part 382 “Nonionizing Radiation,” R 325.60701 to R 325.60704.

(d) OH Part 430 “Hazard Communication,” R 325.77001 to R 325.77004.

(e) OH Part 472 “Medical Services and First Aid,” R 325.47201.

(f) OH Part 474 “Sanitation,” R 325.47401 to R 325.47427.

(g) OH Part 520 “Ventilation Control,” R 325.52001 to R 325.52012.

(h) OH Part 681 “Radiation of Construction: Ionizing and Nonionizing,” R 325.68101 to R 325.68102.

(8) The appendices to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.

ADMINISTRATIVE RULES

DEPARTMENT OF HUMAN SERVICES

JUVENILE JUSTICE PROGRAMS

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Filed with the Secretary of State on May 7, 2015

These rules become effective 30 days upon filing with the Secretary of State.

(By authority conferred on the department of human services by Article VII of 1984 PA 114, MCL 3.711.)

R 400.10, R 400.11, R 400.12, R 400.13, R 400.14, R 400.15, R 400.16, R 400.17, and R 400.18 are added to the Michigan Administrative Code as follows:

R 400.10 Definitions.

Rule 1. (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control.

(b) "Department" means the Michigan department of human services.

(c) "Foster Care", for purposes of these rules only and defined by Regulation Three of the Interstate Compact on the Placement of Children, means placement of a child which includes 24-hour a day care provided by the child's parent or parents by reason of a court-ordered placement or 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to the following:

- (i) Placements in foster family homes.
- (ii) Foster homes of relatives.
- (iii) Group homes.
- (iv) Emergency shelters.
- (v) Residential facilities.
- (vi) Child care institutions.
- (vii) Pre-adoptive homes.

A child is in foster care regardless of any of the following:

(i) The foster care facility is licensed and payments are made by the state or local agency for the care of the child.

(ii) Whether adoption subsidy payments are being made prior to the finalization of an adoption.

(iii) Whether there is federal matching of any payments that are made.

(d) "Interstate Compact on the Placement of Children" or "ICPC" means the compact between states and parties pursuant to statute that ensures protection and services to children who are placed across state lines.

(e) "Parent" means a biological, adoptive parent, or legal guardian as determined by applicable state law and is responsible for the care, custody, and control of a child or upon whom there is legal duty for such care.

(f) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution, but does not include any institution caring for the mentally ill, mentally defective, or epileptic, or any institution primarily educational in character, and any hospital or other medical facility.

(g) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(h) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency, or other entity that sends, brings, or causes to be sent or brought any child to another party state.

(i) "State compact administrator" means an officer in the department who is appointed by the executive head of each jurisdiction and who acts as general coordinator of activities under this compact in the officer's jurisdiction to carry out more effectively the terms and provisions of this compact.

R 400.11 Implementation of processes; policy.

Rule 2. Procedures for the implementation of these rules as required by the ICPC shall be published in this state's ICPC policies and made available to the public.

R 400.11 Scope and Purpose.

Rule 3. (1) The purpose of these rules is to provide, at the request of a sending agency, a home study and placement decision by a receiving state for the proposed placement of a child with a proposed caregiver who falls into either of the following categories of placement:

(a) For public adoption.

(b) Foster care and/or with parents or relatives.

(2) The ICPC regulations are promulgated by the Association of Administrators of the Interstate Compact on the Placement of Children by authority of the ICPC Compact.

R 400.12 Applicability; authority of court; delegation.

Rule 4. (1) Placement decisions apply to cases involving children who are under the jurisdiction of a court for abuse or neglect as a result of action taken by a child welfare agency.

(2) The court may to determine supervision, custody, and placement of the child or may delegate authority to the child welfare agency if the child is being considered for placement in another state.

R 400.13 ICPC placement protection status.

Rule 5. ICPC placement protection continues under either of the following conditions:

(a) The child has not yet been placed and there is consideration of a placement resource.

(b) When requesting a new home study on the current approved placement resource. This may include an upgrade from unlicensed relative to a licensed foster home or to adoption home placement category.

R 400.14 Child placed without ICPC approval; violation; receiving state options.

Rule 6. (1) When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC and the placement is made with the sending agency bearing full liability and responsibility for the safety of the child.

(2) The receiving state may request immediate removal of the child until the receiving state has made a decision under the ICPC.

(3) The receiving state may proceed, but is not required to proceed, with the home study/ICPC decision process as long as the child is placed in violation of the ICPC.

(4) The receiving state may choose to open the case for ICPC courtesy supervision.

R 400.15 Placements not subject to ICPC protection.

Rule 7. (1) ICPC protection does not apply under the following conditions:

(a) When the court places the child with a parent from whom the child was not removed, and the court does the following:

(i) Has no evidence that the parent is unfit.

(ii) Does not seek any evidence from the receiving state that the parent is either fit or unfit.

(iii) Relinquishes jurisdiction over the child immediately upon placement with the parent.

The receiving state shall have no responsibility for supervision or monitoring for the court having made the placement.

(b) When a sending court/agency seeks an independent (not ICPC-related) courtesy check for placement with a parent from whom the child was not removed.

(2) The responsibility for credentials and quality of the courtesy check rests directly with the sending court/agency and the person or party in the receiving state who agrees to conduct the courtesy check without invoking the protection of the ICPC home study process.

(ii) The requirement in subrule (2) of this rule does not prohibit a sending state from requesting an ICPC.

R 400.16 Returning child to sending agency; denial of placement.

Rule 8. (1) If the child is already residing in the receiving state with the proposed caregiver at the time the ICPC denies the placement, the receiving state compact administrator may request the sending agency to arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state.

(2) Alternative placement resource shall be approved by the receiving state before placement is made.

(3) Return of the child shall occur within 5 business days from the date of the notice for removal unless otherwise agreed upon between the sending agency and receiving state ICPC offices.

R 400.17 Request to return child to sending agency; previously approved or alternative placement.

Rule 9. (1) Following approval and placement of the child, if the receiving state compact administrator determines that the placement no longer meets the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development, the receiving state compact administrator may request the sending agency arrange for the return of the child as soon as possible or propose an alternative placement in the receiving state.

(2) Alternative placement resource shall be approved by the receiving state before placement is made.

(3) Return of the child shall occur within five (5) business days from the date of notice for removal unless otherwise agreed upon between the sending agency and receiving state ICPC offices.

R 400.18 Withdrawing request for request for removal.

Rule 10. The receiving state request for removal may be withdrawn if the sending agency arranges services to resolve the reason for the requested removal and the receiving and sending state compact administrators mutually agree to the plan.

ADMINISTRATIVE RULES

DEPARTMENT OF STATE POLICE

EMERGENCY MANAGEMENT DIVISION

STATE ASSISTANCE TO COUNTIES AND MUNICIPALITIES

Filed with the Secretary of State on May 13, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of state police by section 19 of 1976 PA 390, as amended, MCL 30.419)

R 30.58 of the Michigan Administrative Code is amended, as follows:

R 30.58 Assistance to applicants.

Rule 8. Assistance pursuant to the provisions of these rules may be provided upon a proclamation of a state of disaster or state of emergency and shall be limited to \$100,000 or 10% of the total annual operating budget of the applicant for the preceding year, whichever is less. The amount of financial assistance shall not be more than the expenses that are incurred as a result of the disaster or emergency. Financial assistance from other state or federal programs or from insured costs shall not be duplicated by assistance pursuant to the provisions of these rules.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

USURY: Payment of interest with future
revenues or profits.

A financing agreement in which the borrower agrees to repay the principal with interest and a percentage of future revenues or profits will not violate usury laws so long as the lender's profit is contingent, and the parties contract in good faith and without the intent to avoid usury laws. Whether a particular financing agreement is lawful will depend on the true nature of the agreement as determined by the facts and circumstances surrounding the agreement.

Opinion No. 7283

May 4, 2015

The Honorable Joe Hune
State Senator
The Capitol
Lansing, MI 48909

You have asked whether royalty financing violates Michigan's usury laws. To answer this question, it is helpful to begin with a brief explanation of what constitutes royalty financing and usury.

Before discussing royalty financing, an understanding of common financing concepts, including the common financing practice of loans, is relevant.

"Financing" is defined as "[t]he act or process of raising or providing funds." Black's Law Dictionary (9th ed. 2009). A common form of financing is debt financing, whereby funds are raised by either issuing bonds or taking a loan from a financial institution. *Id.* "The hallmark of a loan is the absolute right to

repayment.” *Blackwell Ford v Calhoun*, 219 Mich App 203, 209; 555 NW2d 856 (1996). In addition to the repayment of the principal of the loan, the lender almost always expects to receive compensation for the use of the money loaned. That compensation is termed interest. 15 Mich Civ Jur, Interest, § 1; *Balch v Detroit Trust Co*, 312 Mich 146, 152; 20 NW2d 138 (1945) (“Interest has been defined as ‘a charge for the loan or forbearance of money’”). In a basic loan transaction, the borrower receives a sum of money—the principal of the loan—and promises to repay the principal, over time, with interest.

With royalty financing,¹ the borrower typically agrees to repay the principal with interest *and* a percentage of future revenues or profits—the royalty. See generally, 47 CJS, Interest & Usury, § 232 (2014); Anno: *Agreement for share in earnings of or income from property in lieu of, or in addition to, interest as usurious*, 16 ALR 3d 475. If revenues are low, it may be that no additional payment beyond the agreed interest will be necessary; but if revenues or profits are high, the total amount repaid will be higher.

“Usury is, generally speaking, ‘the receiving, securing or taking of a greater sum or value for the loan or forbearance of money, goods, or things in action than is allowed by law.’” *Hillman’s v Em ’N Al’s*, 345 Mich 644, 651; 77 NW2d 96 (1956), quoting 55 Am Jur, Usury, § 2. “Usury consists of several essential elements, generally enumerated as; (1) a loan or forbearance . . . of money . . . ; (2) an

¹ This opinion uses the term “royalty financing” because that is the terminology used in your request. However, this type of financing arrangement is described or referred to in different ways by the courts and treatises.

understanding between the parties that the principal will be repayable absolutely; (3) the exaction of a greater profit than is allowed by law; and (4) an intention to violate the law.” Mich Civ Jur, Usury, § 1. In determining whether usury exists, what matters is the “real nature of the transaction,” and not the particular form given it by the parties; the real nature must be determined from the facts and circumstances. *Wilcox v Moore*, 354 Mich 499, 504; 93 NW2d 288 (1958); Mich Civ Juris, Usury, § 2.

Unless an exception applies, Michigan’s usury statute generally prohibits a lender from charging a rate of interest greater than five percent, or, if agreed in writing, seven percent. MCL 438.31.¹ Michigan’s criminal usury statute prohibits a lender, unless otherwise authorized by law, from receiving interest at a rate exceeding twenty-five percent. MCL 438.41.

As noted above, under a royalty financing arrangement, when the borrower has high revenues or profits, the lender’s total return on the loan—interest payments plus royalty payments—might exceed the law’s legal limit for interest. Given this possibility, you ask whether this type of financing arrangement violates Michigan’s usury laws.

¹ There are many exceptions to the five- and seven-percent usury limits, including: regulated credit card lenders may charge interest of up to 25% per year, MCL 445.1854; parties to a mortgage on real property may agree to any rate of interest provided that the lender is regulated by an appropriate state or federal agency, MCL 438.31c; corporations may agree in writing to pay a higher rate, MCL 450.1275; certain payday loans with relatively high annual rates are authorized by the Deferred Presentment Service Transactions Act, MCL 487.2121 *et seq.*; and other loans with higher interest rates are regulated by the Regulatory Loan Act, MCL 493.1 *et seq.*

While there has been little development in this area of the law in Michigan, numerous decisions by courts in other states provide guidance in answering your question.

Usury law is subject to various exceptions, including an exception developed at common law called the “interest contingency rule.” *WRI Opportunity Loans II, LLC v Cooper*, 154 Cal App 4th 525; 65 Cal Rptr 3d 205 (2007); 47 *CJS, Interest & Usury*, § 232; 16 ALR 3d 475; Restatement (First) of Contracts, § 527. As explained by the California Court of Appeals:

According to this rule, a loan that will “give the creditor a greater profit than the highest permissible rate of interest upon the occurrence of a condition [] is not usurious if the repayment promised on failure of the condition to occur is materially less than the amount of the loan . . . with the highest permissible interest, unless a transaction is given this form as a colorable device to obtain a greater profit than is permissible.” Thus, interest that exceeds the legal maximum is not usurious when its payment is “subject to a contingency so that the lender’s profit is wholly or partially put in hazard,” provided “the parties are contracting in good faith and without the intent to avoid the statute against usury.” [*WRI Opportunity Loans II*, 154 Cal App 4th at 534 (citations omitted).]

This rule has been followed by courts in New York and other states. *See, e.g., Hartley v Eagle Insurance Co*, 222 NY 178; 118 NE 622 (1918); *Olwine v Torrens*, 236 Pa Super 51; 344 A2d 665, 667-668 (Pa Super, 1975), and *Dopp v Yari*, 927 F Supp 814 (D New Jersey, 1996). To determine whether the rule applies, courts will “look to the substance rather than to the form’ of the transaction to determine whether the lender’s profits are exposed to the requisite risk.” *WRI Opportunity Loans II, LLC*, 154 Cal App 4th at 535 (citations omitted). In other words, whether

this rule would exempt any particular agreement from being usurious will depend upon the particular facts and circumstances of each agreement.

For example, the facts and circumstances of a royalty financing agreement might show that the amount of the royalty payment, which is based on a share of the borrower's revenues or profits, is not certain, but contingent: business revenues or profits may be less than the amount expected by the parties; they may be within that range; or they may exceed—or even greatly exceed—the range expected. In these instances, courts have determined that, so long as these payments result from a bona fide contingency—that is, the contingency incorporates a real element of risk and is not a sham devised to avoid the usury laws—these payments are not usurious even if they exceed the legal maximum of interest allowed. See *Schiff v Pruitt*, 144 Cal App 2d 493; 301 P2d 446 (1956), *Thomassen v Carr*, 250 Cal App 2d 341, 346–349; 58 Cal Rptr 297 (1967), and *Beeler v H & R Block of Colorado, Inc.*, 487 P2d 569, 572 (1971), applying “interest contingency rule.”

However, where the facts and circumstances show that the risk to the lender's profit is not sufficiently great, *Teichner v Klassman*, 240 Cal App 2d 514, 516–518; 49 Cal Rptr 742 (1966); *Olwine*, 344 A2d at 667-668, or where the arrangement would result in a return in excess of the legal rate regardless of risk, *Whittemore Homes, Inc.*, 190 Cal App 2d 554; 12 Cal Rptr 235 (1961); *Concord Realty Co v Continental Funding Corp.*, 776 P2d 1114 (Colo, 1989), the rule will not apply, and the legal limit will still be in force.

In Michigan, “the common law prevails except as abrogated by the Constitution, the Legislature, or this Court.” *People v Stevenson*, 416 Mich 383, 389; 331 NW2d 143 (1982). A review of the Constitution, statutes, and case law reveal no provision or decision expressly or impliedly abrogating application of the interest contingency rule.¹ The only Michigan case found touching on this issue is *Scripps v Crawford*, 123 Mich 173; 81 NW 1098 (1900).

In *Scripps*, the defendant purchased the interest of an estate in a laundry business, and agreed with the estate’s administrator, Union Trust Company, to pay \$1,500 for the estate’s interest and “one-half of the net profits that should be earned for five years. The agreement stated that this was to be ‘as interest on said loan, and compensation for the good will of the estate in the business’” *Scripps*, 123 Mich at 174. A number of disputes arose between different parties, and ultimately a claim was made that the defendant’s agreement with the Union Trust Company was usurious. *Id.* at 177. The Michigan Supreme Court disagreed, finding nothing unlawful about the arrangement:

We think the allowance of something for the good will of the business was legitimate, and there is nothing to show that either party understood that an unlawful rate of interest was contemplated. One-half of the prospective net profits was to be paid as interest and as a consideration for the good will. We must therefore hold that the claim

¹ Notably, the Michigan Business and Industrial Development Act, MCL 487.1101 *et seq.*, contemplates the use of royalty-based financing, and provides that “interest” “does not include anything of value that is contingent on the performance or value of the borrower including, but not limited to, a percentage of net income of the borrower, royalties, stock in the borrower, warrants to purchase stock in the borrower, and convertibility of debentures.” MCL 487.1505(1), (5), and (6).

of the Union Trust Company, as finally fixed by the agreement of the parties thereto, was a valid claim against [the defendant]. [*Id.*]

While the *Scripps* Court did not expressly discuss the interest contingency rule, it approved an agreement to use profits as payment on interest.

In OAG, 1979-1980, No 5740, p 877 (July 17, 1980), the Attorney General addressed several questions, including whether receipt by a lender of a percentage of profits as consideration for making a mortgage loan constituted interest on the loan so as to make the loan usurious, assuming the legal rate of interest is exceeded. The Opinion began its analysis by defining interest as “compensation paid for the use of money.” *Id.*, citing OAG, 1975-1976, No 5085, p 717 (December 16, 1976). It then explained:

“[a]ny fee imposed upon the borrower, other than the reasonable and necessary charges, such as recording fees, title insurance, deed preparation and credit reports recognized in section 1(a) of the Usury Statute, *supra*, in exchange for the lending of money must be taken into consideration in determining the rate of interest being charged.” [*Id.*, p 879, quoting OAG No 5085, p 717.]

The Attorney General then reasoned that in the situation presented, payment of a percentage of profits would constitute interest:

In the transaction described in your question, the fee imposed by the lender as consideration for making the loan would consist, in part, of a share in profits of the borrower’s business. Being part and parcel of the loan agreement, therefore, *it is clear that such compensation constitutes interest on the loan.* [*Id.*, pp 879-880 (emphasis added).]

As support, the Attorney General quoted the following from *Brown v Cardoza*, 67 Cal App 2d 187, 192; 153 P2d 767 (1944) (citations omitted):

The law is well settled in most jurisdictions . . . that where there is a loan of money to be compensated for by a share in earnings, income or profits, in lieu of or in addition to interest, in determining whether the transaction is usurious the share of earnings, income or profits must be considered as interest.

Given this language, OAG No 5740 could be viewed as foreclosing royalty financing or rejecting the interest contingency rule. But that construction is overbroad. That Opinion stands for the following, narrow proposition that is consistent with decisions of the courts: a lender’s share in profits or revenues *that are certain* should be considered as interest for the purposes of the State’s usury laws.

In this way, the facts and circumstances of a royalty financing agreement might show that the amount of the royalty payment, which is based on a share of the borrower’s revenues or profits, is a certainty; i.e., the revenue or profits are certain or almost certain to occur. This was the situation in *Brown v Cardoza*—the California case relied on by OAG No 5740. In *Brown*, the lender was to receive repayment of the loan with interest plus splitting the profits on the sale of certain property. *Brown*, 153 P2d at 768. As part of its analysis, the court considered whether this “splitting the profits” should be considered interest. *Id.* at 769. The court concluded that it should because, under the terms of the loan, as the contemplated “split” of the profits from the sale of the property, the lenders were receiving a sum certain “bonus” of \$300. The very loan papers disclosed the

certainty of this sum, and hence, the court found that this sum must be considered interest. *Id.* at 770. In such an instance, the conclusion of both *Brown* and OAG No 5740 is correct and consistent with the above discussion of the interest contingency rule—the payment of a share of profits that are certain constitutes interest, which would be usurious if the legal rate of interest was exceeded.

It is my opinion, therefore, that a financing agreement in which the borrower agrees to repay the principal with interest and a percentage of future revenues or profits, will not violate usury laws so long as the lender's profit is contingent and the parties contract in good faith and without the intent to avoid usury laws. Whether a particular financing agreement is lawful will depend on the true nature of the agreement as determined by the facts and circumstances surrounding the agreement.

A handwritten signature in black ink, reading "Bill Schuette". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

BILL SCHUETTE
Attorney General

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

Deidre O'Berry
Office of Regulatory Reinvention
Department of Licensing and Administrative Affairs
611 W. Ottawa – 2nd Floor
Lansing, MI 48909

Subject: Interstate Compact on the Placement of Children-Harmless Error
Amendment Request
Administrative Rule Set R 400.10 - 400.18

Dear Ms. O'Berry:

Pursuant to MCL 24.256, the Department of Health and Human Services (DHHS) is requesting correction to the Interstate Compact on the Placement of Children administrative rule set that were filed with the Office of the Great Seal on May 7, 2015. There are two obvious errors in the rule set and correction of these errors will not affect the substantive purpose of the rules in any way. The corrections being requested are as follows:

1. Page Two-Numbering Error. There are two R 400.11 rules. In earlier discussions, we agreed that the second R 400.11 entitled "Scope and Purpose" would be changed to R 400.11(a).
2. Page Two-R 400.112 entitled "Applicability; authority of court; delegation". In subsection (2), the following language appears: "(2) The court may to determine supervision...."
The word "to" does not belong in this subsection and should be stricken.

Please amend the rule set to reflect the corrections as outlined above at your earliest convenience. As always, thank you for your assistance.

Sincerely,

Mary E. Brennan, Regulatory Affairs Officer
DHHS Legal Affairs

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

Deidre O’Berry and Liz Smalley
Office of Regulatory Reinvention
Department of Licensing and Regulatory Affairs

RE: Audit Standards for Field Audits Rules 2014-076 TY

Dear Deidre and Liz,

By this letter, the Department of Treasury respectfully requests the Office of Regulatory Reinvention to please correct four (4) minor clerical errors discovered in the above-referenced new rule set. The four (4) requested corrections are:

R 205.2001(c) the word “Both” should be changed to “All” preceding the phrase “of the following apply”.

R 205.2001(e)(i) the word “Department” should be in lower case “department”.

R 205.2001(e)(iv) the word “curtesy” should be changed to “courtesy”.

R 205.2002(3) the strikethrough should be removed from the word “field”. The correct noun is “field audit”.

Thank you in advance, for your help in this regard.

Sincerely,

Margaret L. Patterson, Regulatory Affairs Officer
Michigan Department of Treasury

(2015 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
30.58	*	9	38.1672	R	1	205.2009	A	9
38.22	R	1	38.1673	R	1	205.2010	A	9
38.23	R	1	38.1674	R	1	205.2011	A	9
38.24	R	1	38.1675	R	1	225.1	R	1
38.25	R	1	38.1676	R	1	225.2	R	1
38.28	R	1	38.1677	R	1	225.3	R	1
38.71	R	1	38.1678	R	1	225.4	R	1
38.72	R	1	38.1679	R	1	225.5	R	1
38.73	R	1	38.1680	R	1	225.6	R	1
38.74	R	1	38.1681	R	1	225.7	R	1
38.75	R	1	38.1682	R	1	225.8	R	1
38.76	R	1	38.1683	R	1	225.9	R	1
38.77	R	1	38.1684	R	1	225.10	R	1
38.78	R	1	38.1685	R	1	247.351	R	1
38.79	R	1	38.1686	R	1	247.403	R	1
38.80	R	1	38.2171	R	1	247.404	R	1
38.81	R	1	38.2172	R	1	247.405	R	1
38.82	R	1	38.2173	R	1	247.406	R	1
38.83	R	1	38.2174	R	1	247.741	R	1
38.84	R	1	38.2175	R	1	247.742	R	1
38.85	R	1	38.2176	R	1	247.748	R	1
38.86	R	1	38.2177	R	1	281.811	*	5
38.1371	R	1	38.2178	R	1	285.900.1	R	3
38.1372	R	1	38.2179	R	1	299.4101	*	5
38.1373	R	1	38.2180	R	1	299.4102	*	5
38.1374	R	1	38.2181	R	1	299.4103	*	5
38.1375	R	1	38.2182	R	1	299.4104	*	5
38.1376	R	1	38.2183	R	1	299.4105	*	5
38.1377	R	1	38.2184	R	1	299.4106a	*	5
38.1378	R	1	38.2185	R	1	299.4110	*	5
38.1379	R	1	38.2186	R	1	299.4111	*	5
38.1380	R	1	205.2001	A	9	299.4117	*	5
38.1381	R	1	205.2002	A	9	299.4121	*	5
38.1382	R	1	205.2003	A	9	299.4128	*	5
38.1383	R	1	205.2004	A	9	299.4201	*	5
38.1384	R	1	205.2005	A	9	299.4203	*	5
38.1385	R	1	205.2006	A	9	299.4302	*	5
38.1386	R	1	205.2007	A	9	299.4307	*	5
38.1671	R	1	205.2008	A	9	299.4318	*	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
299.4420	*	5	324.59c	R	1	324.613	*	5
299.4428	*	5	324.59d	R	1	324.705	*	5
299.4430	*	5	324.59e	R	1	324.801	*	5
299.4440	*	5	324.61	R	1	324.1015	*	5
299.4701	*	5	324.62	R	1	324.1103	*	5
299.4702	*	5	324.63	R	1	324.1202	*	5
299.4703	*	5	324.64	R	1	324.1204	*	5
299.4706	*	5	324.65	R	1	324.1206	*	5
299.4707	*	5	324.71	R	1	324.1401	A	5
299.4708	*	5	324.72	R	1	324.1402	A	5
299.4709	*	5	324.75	R	1	324.1403	A	5
299.4710	*	5	324.102	*	5	324.1404	A	5
299.4711	*	5	324.130	*	5	324.1405	A	5
299.4712	*	5	324.201	*	5	324.1406	A	5
299.4806	*	5	324.202	*	5	325.9087	R	9
299.4118a	A	5	324.203	*	5	325.9081	*	9
324.1	R	1	324.206	*	5	325.9082	*	9
324.2	R	1	324.210	*	5	325.9083	*	9
324.3	R	1	324.301	*	5	325.9084	*	9
324.21	R	1	324.302	*	5	350.9085	*	9
324.23	R	1	324.303	*	5	325.9086	*	9
324.24	R	1	324.407	*	5	325.9571	R	1
324.31	R	1	324.411	*	5	325.9572	R	1
324.32	R	1	324.102	*	5	325.9573	R	1
324.33	R	1	324.130	*	5	325.9574	R	1
324.41	R	1	324.201	*	5	325.9575	R	1
324.42	R	1	324.202	*	5	325.9576	R	1
324.43	R	1	324.203	*	5	325.9577	R	1
324.51	R	1	324.206	*	5	325.9578	R	1
324.52	R	1	324.210	*	5	325.9579	R	1
324.53	R	1	324.301	*	5	325.9580	R	1
324.54	R	1	324.302	*	5	325.9581	R	1
324.55	R	1	324.303	*	5	325.9582	R	1
324.56	R	1	324.407	*	5	325.22346	R	1
324.57	R	1	324.411	*	5	325.22347	R	1
324.58	R	1	324.413	*	5	325.22348	R	1
324.59	R	1	324.418	*	5	325.22349	R	1
324.59a	R	1	324.503	*	5	325.22350	R	1
324.59b	R	1	324.511	*	5	325.22351	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.22352	R	1	325.50061	*	7	325.51158	*	4
325.22353	R	1	325.50062	*	7	325.51162	*	4
325.22354	R	1	325.50063	*	7	325.51163	*	4
325.22355	R	1	325.50064	*	7	325.51164	*	4
325.22356	R	1	325.50065	*	7	325.51166	*	4
325.22357	R	1	325.50066	*	7	325.51167	*	4
325.22358	R	1	325.50067	*	7	325.51169	*	4
325.22359	R	1	325.50068	*	7	325.51172	*	4
325.22360	R	1	325.50069	*	7	325.51173	*	4
325.22361	R	1	325.50070	*	7	325.51174	*	4
325.22362	R	1	325.50071	*	7	325.51175	*	4
325.47401	A	4	325.50072	*	7	325.51151a	A	4
325.47403	A	4	325.50051a	A	7	325.51156a	A	4
325.47405	A	4	325.50053a	A	7	325.51168a	A	4
325.47407	A	4	325.50056a	A	7	325.51177	R	4
325.47408	A	4	325.50056b	A	7	325.51501	*	4
325.47409	A	4	325.50056c	A	7	325.51502	*	4
325.47410	A	4	325.50056d	A	7	325.51505	*	4
325.47411	A	4	325.50056e	A	7	325.51507	*	4
325.47414	A	4	325.50059a	A	7	325.51508	*	4
325.47415	A	4	325.50059b	A	7	325.51509	*	4
325.47416	A	4	325.50060a	A	7	325.51510	*	4
325.47417	A	4	325.50060b	A	7	325.51511	*	4
325.47418	A	4	325.50061a	A	7	325.51513	*	4
325.47419	A	4	325.50061b	A	7	325.51516	*	4
325.47420	A	4	325.50061c	A	7	325.51517	*	4
325.47424	A	4	325.50062a	A	7	325.51519	*	4
325.47425	A	4	325.50062b	A	7	325.51520	*	4
OHR 4201	R	4	325.50063a	A	7	325.51521	*	4
OHR 4202	R	4	325.50063b	A	7	325.51522	*	4
325.50051	*	7	325.50064a	A	7	325.51523	*	4
325.50052	*	7	325.50064b	A	7	325.51524	*	4
325.50054	*	7	325.50067a	A	7	325.51525	*	4
325.50055	*	7	325.50067b	A	7	325.51526	*	4
325.50056	*	7	325.50067c	A	7	325.51501a	A	4
325.50057	*	7	325.50069a	A	7	325.51519a	A	4
325.50058	*	7	325.50070a	A	7	325.51504	R	4
325.50059	*	7	325.51152	*	4	325.51527	R	4
325.50060	*	7	325.51156	*	4	325.51902	*	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.51903	*	4	325.51945	*	4	338.1616	R	1
325.51904	*	4	325.51946	*	4	338.1617	R	1
325.51905	*	4	325.51947	*	4	338.1618	R	1
325.51906	*	4	325.51948	*	4	338.1619	R	1
325.51907	*	4	325.51949	*	4	338.1620	R	1
325.51908	*	4	325.51950	*	4	338.1621	R	1
325.51909	*	4	325.51950a	*	4	338.1622	R	1
325.51910	*	4	325.51950b	*	4	338.1623	R	1
325.51912	*	4	325.51951	*	4	338.1624	R	1
325.51913	*	4	325.51952	*	4	338.1625	R	1
325.51914	*	4	325.51953	*	4	338.1626	R	1
325.51915	*	4	325.51955	*	4	338.1627	R	1
325.51916a	*	4	325.51956	*	4	338.1628	R	1
325.51916b	*	4	325.51957	*	4	338.1629	R	1
325.51917	*	4	325.51902a	A	4	338.1633	R	1
325.51918	*	4	325.51924a	A	4	338.1634	R	1
325.51922	*	4	325.51921	R	4	338.1635	R	1
325.51923	*	4	325.51958	R	4	338.1636	R	1
325.51924	*	4	333.101	*	1	338.1637	R	1
325.51925	*	4	333.103	*	1	338.3001	R	5
325.51926	*	4	333.105	*	1	338.3002	R	5
325.51928	*	4	333.109	*	1	338.3003	R	5
325.51929	*	4	333.111	*	1	338.3004	R	5
325.51930	*	4	333.113	*	1	338.3005	R	5
325.51931	*	4	333.117	*	1	338.3006	R	5
325.51931a	*	4	333.119	*	1	338.3007	R	5
325.51932	*	4	333.123	*	1	338.3801	R	6
325.51933	*	4	333.125	*	1	338.11109	R	6
325.51934	*	4	333.131	*	1	338.11115	R	6
325.51935	*	4	333.133	*	1	338.30310	R	5
325.51936	*	4	333.126	A	1	339.1701	R	1
325.51937	*	4	333.107	R	1	339.1705	R	1
325.51938	*	4	333.121	R	1	339.1709	R	1
325.51938a	*	4	333.127	R	1	339.1713	R	1
325.51939	*	4	338.1601	R	1	339.1721	R	1
325.51940	*	4	338.1602	R	1	339.1741	R	1
325.51941	*	4	338.1610	R	1	339.1743	R	1
325.51943	*	4	338.1611	R	1	339.1745	R	1
325.51944	*	4	338.1614	R	1	339.1747	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
339.1751	R	1	400.901	R	1	400.3178	*	6
339.1755	R	1	400.902	R	1	400.3179	*	6
339.1757	R	1	400.903	R	1	400.3167	R	6
339.1759	R	1	400.905	R	1	400.3401	R	1
339.1761	R	1	400.906	R	1	400.3403	R	1
339.1763	R	1	400.907	R	1	400.3409	R	1
339.1765	R	1	400.908	R	1	400.3410	R	1
339.1767	R	1	400.909	R	1	400.3411	R	1
339.1771	R	1	400.910	R	1	400.3412	R	1
339.23102	*	5	400.911	R	1	400.3413	R	1
339.23403	*	5	400.912	R	1	400.3414	R	1
340.1883	R	1	400.913	R	1	400.3415	R	1
340.1884	R	1	400.914	R	1	400.3416	R	1
340.1885	R	1	400.915	R	1	400.3417	R	1
380.126	R	1	400.916	R	1	400.3418	R	1
380.127	R	1	400.917	R	1	400.3419	R	1
380.128	R	1	400.918	R	1	400.3420	R	1
380.129	R	1	400.919	R	1	400.3421	R	1
380.132	R	1	400.920	R	1	400.3422	R	1
380.133	R	1	400.921	R	1	400.3423	R	1
380.134	R	1	400.922	R	1	400.4101	*	9
390.1202	R	1	400.941	R	1	400.4104	*	9
390.1206	R	1	400.3151	*	6	400.4105	*	9
390.1207	R	1	400.3155	*	6	400.4106	*	9
390.1209	R	1	400.3156	*	6	400.4108	*	9
390.1210	R	1	400.3157	*	6	400.4109	*	9
390.1212	R	1	400.3158	*	6	400.4111	*	9
390.1213	R	1	400.3159	*	6	400.4112	*	9
390.1214	R	1	400.3160	*	6	400.4113	*	9
390.1251	R	1	400.3161	*	6	400.4114	*	9
400.10	A	9	400.3162	*	6	400.4116	*	9
400.11	A	9	400.3163	*	6	400.4117	*	9
400.12	A	9	400.3164	*	6	400.4118	*	9
400.13	A	9	400.3165	*	6	400.4119	*	9
400.14	A	9	400.3168	*	6	400.4120	*	9
400.15	A	9	400.3169	*	6	400.4121	*	9
400.16	A	9	400.3170	*	6	400.4126	*	9
400.17	A	9	400.3171	*	6	400.4127	*	9
400.18	A	9	400.3173	*	6	400.4128	*	9

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.4131	*	9	400.4554	*	9	400.4155	A	9
400.4132	*	9	400.4555	*	9	400.4156	A	9
400.4134	*	9	400.4559	*	9	400.4157	A	9
400.4137	*	9	400.4560	*	9	400.4158	A	9
400.4138	*	9	400.4562	*	9	400.4159	A	9
400.4141	*	9	400.4563	*	9	400.4162	A	9
400.4142	*	9	400.4566	*	9	400.4164	A	9
400.4143	*	9	400.4568	*	9	400.4165	A	9
400.4144	*	9	400.4601	*	9	400.4166	A	9
400.4145	*	9	400.4602	*	9	400.4505	A	9
400.4146	*	9	400.4612	*	9	400.4604	A	9
400.4147	*	9	400.4618	*	9	400.4605	A	9
400.4148	*	9	400.4620	*	9	400.4621	A	9
400.4150	*	9	400.4623	*	9	400.4168	R	9
400.4152	*	9	400.4632	*	9	400.4169	R	9
400.4160	*	9	400.4635	*	9	400.4170	R	9
400.4161	*	9	400.4638	*	9	400.4172	R	9
400.4163	*	9	400.4640	*	9	400.4173	R	9
400.4167	*	9	400.4652	*	9	400.4175	R	9
400.4501	*	9	400.4657	*	9	400.4176	R	9
400.4502	*	9	400.4666	*	9	400.4177	R	9
400.4504	*	9	400.4102	A	9	400.4178	R	9
400.4510	*	9	400.4103	A	9	400.4181	R	9
400.4512	*	9	400.4107	A	9	400.4182	R	9
400.4515	*	9	400.4110	A	9	400.4183	R	9
400.4517	*	9	400.4115	A	9	400.4201	R	9
400.4520	*	9	400.4122	A	9	400.4231	R	9
400.4522	*	9	400.4123	A	9	400.4232	R	9
400.4523	*	9	400.4124	A	9	400.4234	R	9
400.4524	*	9	400.4125	A	9	400.4237	R	9
400.4527	*	9	400.4129	A	9	400.4238	R	9
400.4532	*	9	400.4135	A	9	400.4302	R	9
400.4535	*	9	400.4136	A	9	400.4331	R	9
400.4538	*	9	400.4139	A	9	400.4332	R	9
400.4540	*	9	400.4140	A	9	400.4334	R	9
400.4545	*	9	400.4149	A	9	400.4335	R	9
400.4546	*	9	400.4151	A	9	400.4336	R	9
400.4548	*	9	400.4153	A	9	400.4337	R	9
400.4552	*	9	400.4154	A	9	400.4338	R	9

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.4513	R	9	408.10601	*	8	408.14001	*	7
400.7025	R	9	408.10603	*	8	408.14002	*	7
400.7028	R	9	408.10604	*	8	408.14004	*	7
400.7001	*	9	408.10605	*	8	408.14005	*	7
400.7002	*	9	408.10606	*	8	408.14008	*	7
400.7003	*	9	408.10611	*	8	408.14009	*	7
400.7004	*	9	408.10612	*	8	408.14001a	A	7
400.7006	*	9	408.10613	*	8	408.14001b	A	7
400.7007	*	9	408.10621	*	8	408.15001	*	8
400.7008	*	9	408.10623	*	8	408.15002	*	8
400.7009	*	9	408.10624	*	8	408.15003	*	8
400.7010	*	9	408.10631	*	8	408.15004	A	8
400.7011	*	9	408.10632	*	8	408.15501	*	8
400.7012	*	9	408.10633	*	8	408.15601	*	8
400.7013	*	9	408.10634	*	8	408.15915	*	7
400.7014	*	9	408.10636	*	8	408.15922	*	7
400.7015	*	9	408.10639	*	8	408.15923	*	7
400.7016	*	9	408.10641	*	8	408.15903	A	7
400.7017	*	9	408.10643	*	8	408.15911	R	7
400.7018	*	9	408.10644	*	8	408.16204	*	7
400.7019	*	9	408.10645	*	8	408.16223	*	7
400.7020	*	9	408.10647	*	8	408.16227	*	7
400.7021	*	9	408.10661	*	8	408.16234	*	7
400.7022	*	9	408.10664	*	8	408.16237	*	7
400.7024	*	9	408.10671	*	8	408.16251	*	7
400.7026	*	9	408.10673	*	8	408.16202	A	7
400.7027	*	9	408.10675	*	8	408.17801	*	8
400.7029	*	9	408.10677	*	8	408.18602	*	9
400.7030	*	9	408.10685	*	8	408.18605	A	9
400.7031	*	9	408.10686	*	8	408.22951	R	1
400.7032	*	9	408.10695	*	8	408.22952	R	1
400.7033	*	9	408.10696	*	8	408.22953	R	1
400.7034	*	9	408.10627	A	8	408.22954	R	1
408.6203	R	5	408.10680	A	8	408.22955	R	1
408.6204	R	5	408.10637	R	8	408.22956	R	1
408.6206	R	5	408.10638	R	8	408.22957	R	1
408.6208	R	5	408.13901	*	9	408.22958	R	1
408.6209	R	5	408.13902	*	9	408.22959	R	1
408.6301	R	5	408.13905	A	9	408.22960	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.22961	R	1	408.40762	*	4	408.42710	R	7
408.22962	R	1	408.41802	*	7	408.42724	R	7
408.22963	R	1	408.41836	*	7	408.42725	R	7
408.22964	R	1	408.41837	*	7	408.42726	R	7
408.22965	R	1	408.41838	*	7	408.42727	R	7
408.22966	R	1	408.41841	*	7	408.42728	R	7
408.22967	R	1	408.41851	*	7	408.42731	R	7
408.22968	R	1	408.41852	*	7	408.42732	R	7
408.22969	R	1	408.41853	*	7	408.42733	R	7
408.22970	R	1	408.41854	*	7	408.42734	R	7
408.22971	R	1	408.41855	*	7	408.42735	R	7
408.40115	*	4	408.41861	*	7	408.42737	R	7
408.40120	*	4	408.41862	*	7	408.42741	R	7
408.40121	*	4	408.41863	*	7	408.42742	R	7
408.40122	*	4	408.41864	*	7	408.42743	R	7
408.40123	*	4	408.41865	*	7	408.42744	R	7
408.40128	*	4	408.41866	*	7	408.42751	R	7
408.40130	*	4	408.41867	*	7	408.42752	R	7
408.40131	*	4	408.41868	*	7	408.42753	R	7
408.40132	*	4	408.41869	*	7	408.42754	R	7
408.40133	*	4	408.41874	*	7	408.42755	R	7
408.40105	A	4	408.41875	*	7	408.42757	R	7
408.40601	*	6	408.41877	*	7	408.42758	R	7
408.40603	*	6	408.41884	*	7	408.42759	R	7
408.40617a	*	6	408.41861a	A	7	408.42761	R	7
408.40623	*	6	408.41861b	A	7	408.42762	R	7
408.40625	*	6	408.41861c	A	7	408.42763	R	7
408.40631	*	6	408.41861d	A	7	408.42799	R	7
408.40650	A	6	408.41877a	A	7	408.44501	*	7
408.40655	A	6	408.41871	R	7	408.44502	*	7
408.40660	A	6	408.41872	R	7	418.1	R	1
408.40709	*	4	408.41876	R	7	418.2	R	1
408.40713	*	4	408.41878	R	7	418.3	R	1
408.40721	*	4	408.41879	R	7	418.4	R	1
408.40722	*	4	408.41881	R	7	418.5	R	1
408.40723	*	4	408.41882	R	7	418.6	R	1
408.40731	*	4	408.41883	R	7	418.7	R	1
408.40751	*	4	408.42701	*	7	418.8	R	1
408.40761	*	4	408.42705	A	7	418.51	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
418.52	R	1	421.1310	R	1	460.17339	R	1
418.53	R	1	421.1311	R	1	460.17341	R	1
418.54	R	1	421.1313	R	1	460.17401	R	1
418.55	R	1	421.1314	R	1	460.17403	R	1
418.56	R	1	421.1315	R	1	460.17405	R	1
418.57	R	1	421.1316	R	1	460.17501	R	1
418.58	R	1	421.1317	R	1	460.17503	R	1
421.1101	R	1	460.17101	R	1	460.17505	R	1
421.1102	R	1	460.17103	R	1	460.17507	R	1
421.1103	R	1	460.17105	R	1	460.17509	R	1
421.1104	R	1	460.17107	R	1	460.17511	R	1
421.1105	R	1	460.17109	R	1	460.17513	R	1
421.1106	R	1	460.17111	R	1	460.17515	R	1
421.1107	R	1	460.17113	R	1	460.17601	R	1
421.1108	R	1	460.17115	R	1	460.17701	R	1
421.1109	R	1	460.17201	R	1	500.2101	R	1
421.1110	R	1	460.17203	R	1	500.2105	R	1
421.1201	R	1	460.17205	R	1	500.2106	R	1
421.1202	R	1	460.17207	R	1	500.2107	R	1
421.1203	R	1	460.17209	R	1	500.2109	R	1
421.1204	R	1	460.17301	R	1	500.2110	R	1
421.1205	R	1	460.17303	R	1	500.2111	R	1
421.1206	R	1	460.17305	R	1	500.2112	R	1
421.1207	R	1	460.17307	R	1	500.2113	R	1
421.1208	R	1	460.17309	R	1	500.2114	R	1
421.1209	R	1	460.17311	R	1	500.2115	R	1
421.1210	R	1	460.17313	R	1	500.2116	R	1
421.1211	R	1	460.17315	R	1	500.2117	R	1
421.1212	R	1	460.17317	R	1	500.2118	R	1
421.1213	R	1	460.17319	R	1	500.2119	R	1
421.1214	R	1	460.17321	R	1	500.2120	R	1
421.1301	R	1	460.17323	R	1	500.2121	R	1
421.1302	R	1	460.17325	R	1	500.2122	R	1
421.1304	R	1	460.17327	R	1	500.2123	R	1
421.1305	R	1	460.17329	R	1	500.2124	R	1
421.1306	R	1	460.17331	R	1	500.2125	R	1
421.1307	R	1	460.17333	R	1	500.2126	R	1
421.1308	R	1	460.17335	R	1	500.2127	R	1
421.1309	R	1	460.17337	R	1	500.2128	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
500.2129	R	1	554.68	R	5	792.10133	A	1
500.2130	R	1	554.69	R	5	792.10134	A	1
500.2131	R	1	554.70	R	5	792.10135	A	1
500.2134	R	1	554.71	R	5	792.10136	A	1
500.2136	R	1	791.3301	R	1	792.10137	A	1
500.2137	R	1	791.3305	R	1	792.10201	*	1
500.2138	R	1	791.3310	R	1	792.10203	*	1
554.1	R	5	791.3315	R	1	792.10205	*	1
554.2	R	5	792.10101	A	1	792.10207	*	1
554.3	R	5	792.10102	A	1	792.10209	*	1
554.4	R	5	792.10103	A	1	792.10211	*	1
554.5	R	5	792.10104	A	1	792.10213	*	1
554.6	R	5	792.10105	A	1	792.10215	*	1
554.21	R	5	792.10106	A	1	792.10219	*	1
554.22	R	5	792.10107	A	1	792.10221	*	1
554.23	R	5	792.10108	A	1	792.10223	*	1
554.24	R	5	792.10109	A	1	792.10225	*	1
554.25	R	5	792.10110	A	1	792.10227	*	1
554.26	R	5	792.10111	A	1	792.10229	*	1
554.27	R	5	792.10112	A	1	792.10231	*	1
554.28	R	5	792.10113	A	1	792.10233	*	1
554.29	R	5	792.10114	A	1	792.10237	*	1
554.31	R	5	792.10115	A	1	792.10239	*	1
554.32	R	5	792.10116	A	1	792.10241	*	1
554.33	R	5	792.10117	A	1	792.10243	*	1
554.34	R	5	792.10118	A	1	792.10247	*	1
554.35	R	5	792.10119	A	1	792.10251	*	1
554.41	R	5	792.10120	A	1	792.10253	*	1
554.42	R	5	792.10121	A	1	792.10255	*	1
554.51	R	5	792.10122	A	1	792.10257	*	1
554.52	R	5	792.10123	A	1	792.10259	*	1
554.53	R	5	792.10124	A	1	792.10261	*	1
554.61	R	5	792.10125	A	1	792.10263	*	1
554.62	R	5	792.10126	A	1	792.10265	*	1
554.63	R	5	792.10128	A	1	792.10269	*	1
554.64	R	5	792.10129	A	1	792.10271	*	1
554.65	R	5	792.10130	A	1	792.10273	*	1
554.66	R	5	792.10131	A	1	792.10275	*	1
554.67	R	5	792.10132	A	1	792.10277	*	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10279	*	1	792.10430	A	1	792.10609	A	1
792.10283	*	1	792.10431	A	1	792.10701	A	1
792.10287	*	1	792.10432	A	1	792.10702	A	1
792.10289	*	1	792.10433	A	1	792.10703	A	1
792.10301	A	1	792.10434	A	1	792.10704	A	1
792.10302	A	1	792.10435	A	1	792.10705	A	1
792.10303	A	1	792.10436	A	1	792.10706	A	1
792.10304	A	1	792.10437	A	1	792.10707	A	1
792.10305	A	1	792.10438	A	1	792.10708	A	1
792.10306	A	1	792.10439	A	1	792.10709	A	1
792.10401	A	1	792.10440	A	1	792.10710	A	1
792.10402	A	1	792.10441	A	1	792.10711	A	1
792.10403	A	1	792.10442	A	1	792.10712	A	1
792.10404	A	1	792.10443	A	1	792.10713	A	1
792.10405	A	1	792.10444	A	1	792.10714	A	1
792.10406	A	1	792.10445	A	1	792.10715	A	1
792.10407	A	1	792.10446	A	1	792.10801	A	1
792.10408	A	1	792.10447	A	1	792.10802	A	1
792.10409	A	1	792.10448	A	1	792.10803	A	1
792.10410	A	1	792.10501	A	1	792.10804	A	1
792.10411	A	1	792.10502	A	1	792.10805	A	1
792.10412	A	1	792.10503	A	1	792.10806	A	1
792.10413	A	1	792.10504	A	1	792.10807	A	1
792.10414	A	1	792.10505	A	1	792.10808	A	1
792.10415	A	1	792.10506	A	1	792.10809	A	1
792.10416	A	1	792.10507	A	1	792.10901	A	1
792.10417	A	1	792.10508	A	1	792.10902	A	1
792.10418	A	1	792.10509	A	1	792.10903	A	1
792.10419	A	1	792.10510	A	1	792.10904	A	1
792.10420	A	1	792.10511	A	1	792.10905	A	1
792.10421	A	1	792.10512	A	1	792.10906	A	1
792.10422	A	1	792.10601	A	1	792.10907	A	1
792.10423	A	1	792.10602	A	1	792.10908	A	1
792.10424	A	1	792.10603	A	1	792.10909	A	1
792.10425	A	1	792.10604	A	1	792.10910	A	1
792.10426	A	1	792.10605	A	1	792.10911	A	1
792.10427	A	1	792.10606	A	1	792.10912	A	1
792.10428	A	1	792.10607	A	1	792.11001	A	1
792.10429	A	1	792.10608	A	1	792.11002	A	1

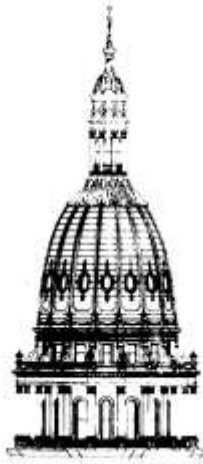
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.11003	A	1	792.11115	A	1	792.11408	A	1
792.11004	A	1	792.11116	A	1	792.11409	A	1
792.11005	A	1	792.11117	A	1	792.11410	A	1
792.11006	A	1	792.11118	A	1	792.11411	A	1
792.11007	A	1	792.11201	A	1	792.11412	A	1
792.11008	A	1	792.11202	A	1	792.11413	A	1
792.11009	A	1	792.11203	A	1	792.11414	A	1
792.11010	A	1	792.11204	A	1	792.11415	A	1
792.11011	A	1	792.11205	A	1	792.11416	A	1
792.11012	A	1	792.11206	A	1	792.11417	A	1
792.11013	A	1	792.11207	A	1	792.11418	A	1
792.11014	A	1	792.11208	A	1	792.11419	A	1
792.11015	A	1	792.11301	A	1	792.11420	A	1
792.11016	A	1	792.11302	A	1	792.11421	A	1
792.11017	A	1	792.11303	A	1	792.11422	A	1
792.11018	A	1	792.11304	A	1	792.11423	A	1
792.11019	A	1	792.11305	A	1	792.11424	A	1
792.11020	A	1	792.11306	A	1	792.11425	A	1
792.11021	A	1	792.11307	A	1	792.11426	A	1
792.11022	A	1	792.11309	A	1	792.11427	A	1
792.11023	A	1	792.11310	A	1	792.11428	A	1
792.11024	A	1	792.11311	A	1	792.11429	A	1
792.11025	A	1	792.11312	A	1	792.11430	A	1
792.11026	A	1	792.11313	A	1	792.11431	A	1
792.11027	A	1	792.11314	A	1	792.11432	A	1
792.11101	A	1	792.11315	A	1	792.11433	A	1
792.11102	A	1	792.11316	A	1	792.11501	A	1
792.11103	A	1	792.11317	A	1	792.11502	A	1
792.11104	A	1	792.11318	A	1	792.11503	A	1
792.11105	A	1	792.11319	A	1	792.11504	A	1
792.11106	A	1	792.11320	A	1	792.11505	A	1
792.11107	A	1	792.11321	A	1	792.11506	A	1
792.11108	A	1	792.11401	A	1	792.11507	A	1
792.11109	A	1	792.11402	A	1	792.11508	A	1
792.11110	A	1	792.11403	A	1	792.11509	A	1
792.11111	A	1	792.11404	A	1	792.11510	A	1
792.11112	A	1	792.11405	A	1	792.11511	A	1
792.11113	A	1	792.11406	A	1	792.11512	A	1
792.11114	A	1	792.11407	A	1	792.11513	A	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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792.11515	A	1
792.11516	A	1
792.11517	A	1
792.11601	A	1
792.11602	A	1
792.11603	A	1
792.11604	A	1
792.11605	A	1
792.11606	A	1
792.11607	A	1
792.11608	A	1
792.11609	A	1
792.11610	A	1
792.11611	A	1
792.11701	A	1
792.11702	A	1
792.11703	A	1
792.11704	A	1
792.11705	A	1
792.11706	A	1
792.11707	A	1
792.11708	A	1
792.11709	A	1
792.11801	A	1
792.11802	A	1
792.11803	A	1
792.11901	A	1
792.11902	A	1
792.11903	A	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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Audit Standards for Exams. Under the UUPA (2015-9)

**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2014 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2015 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

May 20, 2015
Through PA 30 of 2015

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1		0044	Yes	2/19	2/20	5/21/15 #	Elections; primary ; presidential primary election date; revise. (Sen. D. Robertson)
2		0045	Yes	2/19	2/20	5/21/15 #	Elections; primary ; presidential primary election date; revise. (Sen. D. Robertson)
3		0034	Yes	3/4	3/4	3/4/15	Weapons; licensing ; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks. (Sen. M. Green)
4		0035	Yes	3/4	3/4	10/1/15 #	Criminal procedure ; sentencing guidelines; reference in sentencing guidelines; update. (Sen. M. Green)
5	4110		Yes	3/10	3/10	3/10/15	Appropriations; supplemental ; omnibus school aid supplemental adjusting certain appropriations and fund sources; provide for. (Rep. A. Pscholka)
6	4112		Yes	3/10	3/10	3/10/15	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2014-2015. (Rep. A. Pscholka)
7	4078		Yes	3/17	3/17	3/17/15	Appropriations; capital outlay ; Michigan natural resources trust fund; provide appropriations. (Rep. J. Bumstead)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
8		0137	Yes	4/1	4/1	4/1/15	Insurance; health insurers; amount of autism coverage fund revenues to be expended for university autism programs and autism family assistance services; increase. (Sen. D. Hildenbrand)
9		0138	Yes	4/1	4/1	6/30/15	Crime victims; rights; distribution of crime victim's rights funds; modify. (Sen. D. Hildenbrand)
10	4051		Yes	4/9	4/9	4/9/15	Taxation; administration; disclosure of certain tax-exempt property; provide for. (Rep. J. Farrington)
11		0042	Yes	4/9	4/9	4/9/15	Vehicles; driver training; certain requirements applicable to commercial learner's permit; amend to comply with federal regulations. (Sen. T. Casperson)
12		0054	Yes	4/14	4/14	7/13/15	Natural resources; hunting; use of unmanned vehicles or devices to interfere with or harass another individual who is hunting or fishing; prohibit. (Sen. T. Casperson)
13		0055	Yes	4/14	4/14	7/13/15 #	Natural resources; hunting; use of unmanned vehicles or device for taking game or fish; prohibit. (Sen. P. Pavlov)
14	4119		Yes	4/14	4/14	4/14/15 #	Civil procedure; garnishment; garnishment of periodic payments; revise procedure. (Rep. D. Garcia)
15	4120		Yes	4/14	4/14	9/30/15 #	Labor; fair employment practices; deductions from wages without written consent of employee; include certain reimbursements related to garnishment. (Rep. M. McCready)
16		0053	Yes	4/14	4/14	7/13/15	Weapons; firearms; exemption for retired federal law enforcement officers to carry a concealed pistol in pistol-free zones; provide for. (Sen. R. Jones)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
17		0160	Yes	4/22	4/22	4/22/15	Cities; home rule ; provision regarding financial recovery bonds; modify. (Sen. D. Booher)
18		0018	Yes	4/29	4/29	4/29/15 #	Property; conveyances ; certain land in Calhoun County; provide for conveyance after obtaining from United States. (Sen. M. Nofs)
19		0019	Yes	4/29	4/29	4/29/15 #	Property tax; assessments ; definition of transfer of ownership; exclude certain transfers. (Sen. M. Nofs)
20		0012	Yes	5/5	5/5	5/5/15	Retirement; state employees ; retired state employees to contract with department of attorney general in litigation matters involving this state; allow under certain circumstances without losing retirement allowance. (Sen. R. Jones)
21	4151		Yes	5/12	5/12	5/12/15 #	Weapons; firearms ; 1959 PA 186; repeal. (Rep. P. Pettalia)
22	4152		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in MCL 8.3t; modify. (Rep. J. Sheppard)
23	4153		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in MCL 752.841; modify. (Rep. R. Franz)
24	4154		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in the natural resources and environmental protection act; modify. (Rep. B. Roberts)
25	4156		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in 1927 PA 372; modify. (Rep. T. Barrett)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
26	4155		Yes	5/12	5/12	7/1/15 #	Weapons; firearms; definition of firearm in the Michigan penal code; modify. (Rep. T. Cole)
27	4160		Yes	5/12	5/12	8/10/15 #	Weapons; other; brandishing a firearm; exempt certain actions. (Rep. J. Johnson)
28	4161		Yes	5/12	5/12	8/10/15 #	Weapons; other; definition of brandish; provide for. (Rep. H. Hughes)
29		0085	Yes	5/12	5/12	8/10/15	Weapons; firearms; definition of pneumatic guns; provide for, and prohibit certain regulations by local units of government. (Sen. D. Hildenbrand)
30		0099	Yes	5/18	5/18	5/18/15	Highways; name; portion of business loop I-94; designate as the "Detective LaVern S. Brann Memorial Highway". (Sen. M. Nofs)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.